

**Michigan State Housing Development Authority
Office of Community Development**

ENVIRONMENTAL REVIEW PROCEDURAL GUIDE

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¹ENVIRONMENTAL REVIEW REQUIREMENTS SUMMARY

The Housing and Community Development Act (42 USC 5301) requires compliance with a number of laws relating to the environment. This process covers projects and activities funded in whole or part with federal funds granted through the Michigan State Housing Development Authority's (MSHDA) Office of Community Development (OCD).¹ This guide enumerates the steps that must be taken by MSHDA and its grantees to comply with the implementing regulations of Part 58.

It is important to note that prior to taking any action using MSHDA's federal housing funds, and prior to taking any action using other leverage funds for MSHDA-funded housing projects, the environmental conditions of Part 58 must be fulfilled through the environmental review process and release of project funds from MSHDA and/or HUD.

Neither the recipient nor any participant (public or private nonprofits or for-profit entities and their contractors) may commit or expend any project funds prior to approval of the Request for Release of Funds (RROF) and related certification.

Authorities

The environmental laws most commonly referenced in CDBG and HOME housing programs are: the National Environmental Policy Act of 1969 (NEPA), NEPA-implementing regulations (24 CFR Part 58), and other laws and regulations relating to historic properties, flood plains, wetlands, noise abatement, etc. (Sec. 58.5 and 58.6).

Acronyms and Definitions (24 CFR 58.2 and CPD Notice 01-11)

Activity – An action that a grantee or recipient puts forth as part of an assisted project, regardless of whether its cost is to be borne by the HUD assistance or is an eligible expense under the HUD assistance program. Examples: single family homeowner rehabilitation, demolition, administration, new construction, rental development, etc.

Certifying Officer – The Certifying Officer is responsible for fulfilling all federal environmental review compliance requirements. In addition, the Certifying Officer is subject to the jurisdiction of the Federal Courts in the event legal action is taken relative to the environmental review process of the Responsible Entity (RE). The Certifying Officer must be designated by the Responsible Entity's (RE) highest elected official.

DEQ - Department of Environmental Quality. The agency with responsibility for issuing permits, licenses, or approvals of a permit-like nature that may be needed for a project. It is also the agency that can assist with the identification of specially designated areas such as flood plains, wetlands, coastal zones, wild and scenic rivers and endangered species.

Research about potential DEQ permit requirements is now the responsibility of the Grantee and Responsible Entity. The DEQ has prepared a list of key questions to assist with the identification of permits, licenses, or approvals that may be needed for a housing project. DEQ's "Permit Information" form lists the key questions and the related divisions and contact numbers. It is the responsibility of the grantee to initiate contact with DEQ officials to obtain the necessary releases. Documentation of all correspondence with DEQ staff along with the relevant permits, etc., must be recorded and kept by the Responsible Entity in the Environmental Review Record (ERR) file.

ERR - Environmental Review Record. The file that contains all information documenting the steps of an environmental review. This file should contain all correspondence, checklists and forms such as Designation of Certifying Officer, Program Summary, Statutory Checklist(s), Mailing to Interested Parties, the publication, MSHDA's release letter, etc. This entire file is the "Environmental Review Record" and must be kept in a place accessible to the public for review.

¹ The source of funds used for a particular grant is noted on the cover page of an OCD Grant Agreement. HOME and CDBG funds are federal dollars. A MSHDA-funded grant is not a federal resource and does not require an environmental review.

FONSI - Finding of No Significant Impact on the Environment. A finding of no significant impact is part of the environmental assessment process and requires the publication of a Combined Notice.

Interested Parties - Includes Federal and Regional offices of EPA, MSHDA CD Specialists, Local Radio Stations, and other local parties (nonprofits, churches, agencies) who may be interested in the proposed project.

Major Rehabilitation – Rehabilitation that changes unit density by more than 20 percent, changes land use from nonresidential to residential, or whose estimated cost is 75 percent or greater of the total estimated cost of replacement after rehabilitation. Major rehabilitation of a one-to-four unit family dwelling may require a Compliance Determination (Statutory Checklist) review. Projects involving five or more units may require an Environmental Assessment and Compliance Determination (Sec. 58.35(a)(3)).

NEPA - National Environmental Policy Act of 1969 and amendments.

NOI/RROF - Notice of Intent to Request a Release of Funds. A notice that must be mailed to interested parties and published if a project is classified as Categorically Excluded or Environmental Assessment.

Program Summary – The program summary is a description and classification of each activity/component of the grant award. The description should include enough detail to identify the who, what, how, how much, etc. of the project. Details include, but are not limited to, name of program, types of activities and amounts, percent of AMI households to be served, average per unit cost, maximum per unit cost, location(s), other funders, etc. Each classification must include the quote and citation from the relevant section of Part 58. The classification requiring the strictest environmental review is the process that is applied to the total program (grant). See the appropriate classification tab.

Project – “Project” is a term used in HUD regulations to describe an activity or group of integrally related activities designed by the recipient to accomplish, in whole or in part, a specific objective (Sec. 58.2(a)(4)). However this manual uses OCD’s common terminology; and for our purposes, a “project” refers to an individual site or unit being assisted with OCD funds. HUD’s “project” is the equivalent of OCD’s “program” or “grant”.

Project Aggregation (58.32). The action (see definition of Program Summary) of grouping together and evaluating as a single project (or “program” in OCD terms) all individual activities which are related on a geographical or functional basis or are logical parts of contemplated actions. OCD grantees group together all the activities and components funded under one grant agreement for purposes of an environmental review.

Example: A HOME-funded grant to benefit ABC target area includes funds for Administration, five (scattered site) Homeowner Rehabilitation projects, five (scattered site) Rental Rehabilitation projects and New Construction of five adjacent houses. For environmental review purposes, the administrative funds are Exempt and trigger the fewest requirements, homeowner rehabilitation and rental rehabilitation, depending on the proximity of the projects to each other, may be Categorically Excluded or Environmental Assessment. The five units of new construction are classified as needing an Environmental Assessment (because there are more than 4 units and they are within 2000 ft. of each other), which requires the most stringent review. Project aggregation regulations at 58.32 require all of the activities and components of this grant (project) --administration, homeowner rehabilitation, demolition, rental rehabilitation, new construction, etc. -- be grouped together and evaluated as a single project. The most inclusive review (environmental assessment) is applied to the entire bundle of activities and components and the grantee must complete the steps under the Environmental Assessment tab.

Recipient (58.2(a)(5). Entities having executed a grant agreement directly with HUD: Units of general local government and states, public housing authorities, qualified housing finance agencies, and non-profit organizations (in the case of HUD’s Super NOFA grants).

Responsible Entity (RE) (58.2(a)(7)(i)). A participating jurisdiction, a state recipient, or local unit of government that is responsible for an environmental review. The responsible entity (RE) is always a unit

of general local government or the State. MSHDA is the responsible entity for OCD's nonprofit grantees; local units of government receiving OCD funds are the responsible entities for their environmental review.

RROF - Request for Release of Funds. The form document that is sent to MSHDA (or HUD) when requesting the release of project funds based on the environmental analysis and clearance performed.

SHPO – The Department of State, Bureau of Michigan History, the State Historic Preservation Office (SHPO) is to be contacted for initial clearance on all OCD housing grants receiving federal funds (e.g., HOME, CDBG). Additionally, SHPO is to be contacted in writing if properties proposed for rehabilitation are **50 years of age or older**. In the case of a proposed new construction project, SHPO must be contacted to review the potential historic significance of the area and evaluate how the proposed project will blend into the historic neighborhood. SHPO will determine one of the following for each site. The property or location will have:

- 1) No historic significance, or
- 2) Historic significance and the activity will have “no effect” on the property/area; or
- 3) Historic significance and the activity has “no adverse effect” on the property/area; or
- 4) Historic significance and the activity has an “adverse effect” on the property or area.

A SHPO determination of 1) or 2) above results in a written statement from SHPO that must be filed in the relevant individual project file. No other action will be taken by SHPO; the project is cleared of SHPO environmental requirements.

SHPO determinations 3) or 4) above will prompt additional review by the National Advisory Council in Washington, D.C. Please note, the Advisory Council has 30 days to respond from the date they receive the grantee's correspondence. If the Advisory Council requests additional information to complete their review, they are allowed another 30 days from the date they receive the additional information.

Limitations on Housing Actions Pending Release of Funds

1. No funds may be committed by a responsible entity to a HUD project before the completion of the environmental review process;
2. The responsible entity will take the necessary steps to assure that third party partners refrain from undertaking any activities prior to the completion of the environmental review process;
3. It is permissible to purchase a real estate option on a property that is designated for the construction or rehabilitation of a unit with HOME funding prior to the completion of an environmental review, provided the option agreement stipulates that the purchase of the property is subject to a determination by the responsible entity on the desirability of the property for the project as a result of the completion of the environmental review. The cost of the option must be a nominal portion of the purchase price.
4. Funds for temporary relocation assistance may be committed to OCD-funded projects provided that the assistance is required by 24 CFR 42. However, temporary relocation assistance is not an eligible activity for reimbursement with MSHDA grant funds; other funds must be used to cover these costs. Any projects requiring permanent relocation are not eligible projects for MSHDA grant funds. The entire project must be funded with other funds -- there are no exceptions to this requirement.

Regulatory Overview

This section is a summary of the environmental review process. Reading of this summary section should be completed in concert with a review of the environmental regulations. The Responsible Entity of each OCD-funded federal grant must complete the required level of environmental review and establish an Environmental Review Record (ERR) to document the determinations and actions taken.

For MSHDA's CDBG and HOME grants, one of six determinations will be drawn after an environmental review. The first five typically apply to Office of Community Development grants and the sixth, the Environmental Impact Statement, applies almost exclusively to MSHDA's Multi-Family Division projects. Every OCD federal-funded activity and component (administration, demolition, rental rehabilitation, homeowner, homebuyer, rental development, neighborhood preservation, et al.) must be reviewed for its potential impact and environmental significance. There may be multiple classifications (for multiple

activities/components) under one OCD federal grant award. All of the activities and components of a grant are aggregated and a single classification (the strictest) is made on the entire grant award. The possible classifications, arranged in order from least strict to strictest environmental review process, are the following:

1. **Exempt activities** (24 CFR sec. 58.34(a)(1)-(11)). These activities generally have no physical impact on the environment and include, but are not limited to, administrative and management activities, environmental and other studies, engineering or design costs, technical assistance and training, or emergency housing repairs.
2. **Categorical exclusions not subject to sec. 58.5 authorities** (24 CFR 58.35(b)). There are some activities that are categorically excluded from NEPA and not subject to section 58.5 authorities (other environmental laws). Tenant-based rental assistance, supportive services, operating costs, and down payment assistance are among the activities that are included in this classification. See Section 58.35(b) for a complete list. These activities are not subject to Sec. 58.5. However Sec. 58.6 is still applicable for these activities. *MSHDA will fulfill the environmental review requirements of any special programs that may be offered such as the Tenant Based Rental Assistance program and CHDO General Operating program, both of which are funded with HOME dollars.*
3. **Categorically excluded activities converted to exempt activities** (24 CFR 58.34(a)(12)). Activities that are listed in sec. 58.35(a)(1)-(6) as categorical exclusions may be converted into exempt activities if, after completing a Statutory Checklist for compliance with section 58.5 authorities, it is determined that none of the individual units to be worked on under this activity will trigger compliance with any of the Federal laws and authorities in 58.5. If there is any doubt that each and every house will be exempt from authorities in Sec. 58.5, the grant may not be reclassified to exempt.
4. **Categorical exclusions subject to section 58.5** (24 CFR 58.35(a)). These activities typically replace or improve existing facilities or structures, i.e., existing public facilities, infrastructure, multi-family residential buildings and single family residences. For the purposes of OCD-funded housing projects, we will be almost exclusively working under 58.35(a)(4), an individual action on 1-4 dwelling units, or an individual action on 5 or more dwelling units. Activities or projects that are classified as categorically excluded must also comply with the provisions of sections 58.5 and 58.6.
5. **Environmental Assessment** (CFR 58.36) is required when the activity is not exempt or categorically excluded from NEPA. Generally this includes new construction and demolition for a project consisting of more than 1-4 units and for a project of 5 or more units developed on scattered sites when the sites are less than 2,000 feet apart. Infrastructure may also require an environmental assessment. Please refer to the "regulations" tab (58.35(a)(1) and an OCD Community Development Specialist.
6. **Environmental Impact Statement (EIS)** (24 CFR 58.37). An environmental impact statement is a complex analysis (Part 58, Subpart G) to determine if an activity will have a significant impact on the human environment. An EIS is required when a project involves 2,500 or more units, but it is also required for any number of units if a potential for impact is identified when completing the statutory and/or environmental assessment checklist.

Noise abatement or attenuation concerns can be addressed through the inclusion of weatherization improvements in all housing projects. If weatherization is not incorporated into the housing program a noise assessment checklist must be completed for each individual project and filed in the project files.

How to Evaluate an OCD Grant to Determine Required ER Process

The first step in determining the environmental review classification required for an OCD-funded federal grant is to count the number of individual units and lots that will be assisted in whole or part with these funds. Examples of these inclusions are:

- Federal funded units that will be assisted with leveraged local PJ funds.
- Adjacent lots to OCD-funded units that will remain empty (for a future park) except for the new sewers, curbs and driveway cutouts city CDBG money will fund.
- The number of units to be assisted solely with other funds when the units are adjacent to OCD-funded units and all together the units are referenced by a project name (E.g., Gratiot Park Development, Third Street Project)

In counting these units it is important to keep in mind the definition of an aggregated project:

“A responsible entity must group together and evaluate as a single project all individual activities which are related either on a geographical or functional basis, or are local parts of a composite of contemplated actions.” (Section 58.32(a). Project Aggregation.)

An aggregated project is most obvious in the instances where communities are applying for Neighborhood Preservation areas, Main Street programs, etc. The chart below gives samples of classifications for typical OCD-funded activities/components.

Component/Activity	Classifications of Sample Programs Description	Classifications			
		Exempt (least stringent)	Reclassify Cat Ex to Exempt	Cat Excluded	EnvAssessment (most)
Homeowner Rehab	Scattered sites, county-wide, city-wide programs			X	
	5 homes or more within 2000' of each other. NOTE: If a circle w/ a 1-mi. radius encompasses 5 or more program units, an EA is required. This is a density issue; the 5th unit within the circle (all within 2000' of each other) triggers a higher density than NEPA allows, hence the need for an Environmental Assessment.				X
	First ever CDBG allocation for countywide homeowner rehab and emergency repairs.			X	
	Continuation of same activity/component, in same area, e.g., on-going county allocation program and you are quite certain that there are no historic or potentially historic villages or sites, no scenic rivers, endangered species, contaminated underground storage tanks, wetlands. (If you are not certain DO NOT RECLASSIFY.)		X		
	Continuation of same activity/component, in same area, but unexpectedly assist 5 units within 2000' STOP WORK and complete the process for EA				X
	Emergency repairs	X			
	Replacement hsg 1-4 units			X	
	Replacement hsg for six unoccupied seasonal cottages around the lake.				X
Homebuyer (ADR/HPR/New Construction)	Scattered sites, county-wide, city-wide			X	

Component/Activity	Description	Exempt	Re-Class	CatEx	EA
Homebuyer (ADR/HPR or New Construction)	If you work on 5 homes or more within 2000' of each other (Use the 1-mi radius circle test), you must do an EA. E.g. Plan to do in-fill new construction of 5 houses in Village XYZ which is only 1.5 sq. mi. total.				x
	If you are receiving continuous funding for a homebuyer program in the same large area (e.g., Saginaw) and you are certain you will not do 5 or more units within 2000', do a CatEx on the first grant and reclassify subsequent awards. E.g. Received 3 consecutive grants for city-wide HPR program; to ensure equitable distribution, you will do at most 2 units per neighborhood/ward/district.		x		
	Working on 5 or more units within 2000' of each other				x
	6 new units on one city block: 3 using OCD HOME \$ and 3 using city HOME \$, all have same plans, all marketed at same time. This is 1 project with 2 separate sources of federal funds. Do an EA.				x
Beginning a new activity	If you have been receiving continuous funding for citywide ADR/HPR or other activity and then begin a grant for an entirely new activity, such as new construction, you forfeit the possibility of reclassifying to exempt. Must do categorically excluded or assessment, depending on the number of units and proximity.			x or EX	x or Cat Ex
Down Payment Assistance Program (without rehab or new const.)	Exempt but still subject to 58.6 requirements.	x			
NPP or other (small-- 2 sq. mi.) targeted area	For the first federal grant to a target area – Plan ahead. Do an EA on the entire target area, for <u>all</u> the activities you anticipate completing in this area, to cover multiple grants and estimating a total investment amount. This EA will cover all subsequent grants to this target area as long as NOTHING CHANGES. If, in subsequent grants you add a new activity or change NPP boundaries, you must do a new ER.				x
	If the 1 st grant to an NPP is for 1-4 units and you have no idea how far reaching the NPP activities will be in the future, do a CatEx and determine environmental status of each subsequent grant as it is awarded (Cat Ex for 1-4, or EA for 5 and up within 2000' of each other.)			X or EA	X or Cat Ex
	If the first grant was CatEx and the new grant is for 1-4 units, reclassify.		x		
	If the first grant is Cat Ex and the new grant is for 5 or more within 2000' of each other, do an EA.				x
Rental	If a downtown rental rehab program runs concurrently w/ another program (e.g., Cool Cities or Main Street) targeted for the downtown, all properties to be assisted will probably be within 2000' of each other in a concentrated several block area. Assume an average cost per unit and determine number of units to be assisted. (E.g. There are 20 potential units; and you have enough funds to rehab 7; landlords are excited about the program and you expect to use all your funds –do an EA.)				X
	If you propose changing use of a building, you must do an EA. E.g. Plans for the downtown rental development of the Main Bldg, includes developing 4 new units in an undeveloped 2 nd -story storage area of the building. Change of use from nonresidential to residential, number of units does not matter, must do EA.				X

ENVIRONMENTAL REVIEW PROCESS FOR EXEMPT ACTIVITIES

The activities listed below and in 24 CFR Part 58.34 are exempt from compliance with NEPA and the related laws in Sec. 58.5; however, they are subject to the requirements of 58.6.

Section 58.34 Exempt Activities.

1. Environmental and other studies,
2. Information and financial services,
3. Administrative and management activities,
4. Public services that have no physical impact, i.e., educational, counseling services (not ramps or other structural changes),
5. Inspections and testing of properties for hazards or defects,
6. Purchase of insurance,
7. Purchase of tools,
8. Engineering or design costs,
9. Technical assistance and training,
10. Protection, repair, or restoration activities necessary to arrest the effects from disasters or imminent threats to public safety,
11. Payment of principal and interest on loans made or obligations guaranteed by HUD,
12. Any of the categorical exclusions listed in Sec. 58.35(a) provided that there are no circumstances requiring compliance with any other Federal laws and authorities cited in Sec. 58.5.

NOTE: The last activity (#12) is the section (24 CFR Part 58.34(12)) that allows categorically excluded activities to be reclassified to exempt.

For grants comprised solely of the exempt activities listed in 58.34, the Responsible Entity does not have to submit a request for release of funds or publish any notices. **However, the Responsible Entity (Summary, Definitions) must document in writing its determination that an activity is exempt; and the authorizing agency (HUD or MSHDA) must concur with the determination.**

Currently, OCD does not grant funds for exclusively exempt activities, such as a federal grant to complete a marketing study, or preparation of an Environmental Impact Statement (EIS). If an instance occurs in which an OCD grant is solely to be used for exempt activities, the following steps are to be completed:

Environmental Review Steps for the Responsible Entity (RE) to Document an Exempt Determination:

For all OCD grantees: When an eligible grantee—local unit of government, nonprofit housing corporation or CHDO-- receives federal grant funds (HOME or CDBG) that are intended to be used solely for exempt activities, like a marketing study, EIS or other, the grantee must:

Step 1. DESIGNATE A CERTIFYING OFFICER. (Forms, Certifying Officer). The certifying officer must be designated by the highest elected official of the municipality.

Step 2. COMPLETE A PROGRAM SUMMARY (sample, page 3) in which each activity of the OCD grant is described and classified.

Step 3. SUBMIT TO THE CD SPECIALIST, the program summary with project classification.

Step 4. WAIT FOR RESPONSE FROM CD SPECIALIST that concurs with the classification and gives the date project costs may be incurred. The CD Specialist posts this date on Intelligrants and sends correspondence.

Step 5. BEGIN INCURRING COSTS on or after the date from the CD Specialist.

Special Programs for which MSHDA is responsible for the Environmental Review Process.

There are federal funds allocated to Michigan that are intended for public-service type activities and not for the acquisition, rehabilitation and/or disposition of residential housing units. Examples of these types of program funds (for which MSHDA is responsible for the environmental review) are as follows:

HUD's annual allocation of Emergency Shelter Grant (ESG) money to MSHDA for distribution to agencies in Michigan's non-entitled ESG communities,
HOME-funded Tenant Based Rental Assistance program funds,
HOME-funded CHDO General Operating grant funds, etc.

These grant awards are exempt as public service activities under Sec. 58.34(4). MSHDA will document the classification by preparing a Program Summary with description and classification, have it signed by Bruce Jeffries in his official capacity as MSHDA's Certifying Officer, and file it in the Environmental Review Record for that grant.

PROGRAM SUMMARY SAMPLE

The following summary relates to a MSHDA, Office of Community Development grant/loan to the City of Alpena in the amount of \$30,000 for a marketing study and architectural consultation for the proposed Downtown Revitalization Program. The City will use \$15,000 for the marketing study and \$15,000 for architectural services.

This grant activity is classified as Exempt from the requirements of NEPA under 24 CFR 58.34(a)(1) and (8) for "environmental and other studies, resource identification and the development of plans and strategies (section 58.34a(1) and "design costs" (section 58.34a(8)).

Jennifer Elliot, Certifying Officer

Date

ENVIRONMENTAL REVIEW PROCESS FOR DOWN PAYMENT ASSISTANCE
Procedures for Categorical Exclusions not Subject to Sec. 58.5 Authorities

Down payment assistance (DPA) falls under categorical exclusions not subject to Sec. 58.5, and, therefore, does not require completion of a statutory checklist, publication, or request for release of funds. This classification is relevant for stand-alone DPA grants only.

Activities that are categorically excluded and **not** subject to sec. 58.5 are listed in Sec. 58.35(b) and include:

- Tenant-based rental assistance
- Supportive services
- Operating expenses
- Economic development activities
- Homebuyer purchase assistance (DPA)
- Pre-development activities

Although not subject to Sec. 58.5, these activities are subject to Sec. 58.6.

Requirements of Sec. 58.6.

1. For projects located in a **floodplain**:
 - a. The community must participate in FEMA's National Floodplain Insurance Program (see References), and
 - b. The property owner must purchase and maintain flood insurance on the assisted unit for a length of time that is the lesser of the life of the repair/property or the life of the financial assistance, and
 - c. The grantee will monitor for compliance with 1a and 1b.
2. For projects located in a **runway clear zone**:
 - a. The grantee must give notice to the owner that the property is located in a runway clear zone, and
 - b. Obtain the owner's signature certifying receipt of this notice.
3. There are no **coastal barriers** in Michigan, therefore this factor is not applicable.

Compliance with Sec. 58.6 must be documented using the DPA project checklist (**Forms, DPA Checklist**) for each assisted unit and filed in that property's project file.

Environmental Review Process for Down Payment Assistance and Other Activities classified as Categorically Excluded and not Subject to Sec. 58.5. These steps will be completed by the grantee in all instances.

- STEP 1: DESIGNATE A CERTIFYING OFFICER** (Forms, Certifying Officer). Board Chair or Executive Director designates for nonprofits; the highest elected official designates for government.
- STEP 2: DETERMINE THE LIKELIHOOD THAT ALL PROJECT SITES** located in a floodplain or runway clear zone **WILL COMPLY WITH THE REQUIREMENTS OF SEC. 58.6.**
- STEP 3: PREPARE A PROGRAM SUMMARY** that includes a Description and Classification for each funded component (page 3).
- STEP 4: NOTIFY MSHDA CD SPECIALIST** in writing (page 4) that:
- a. Steps 1-3 were completed,
 - b. Documentation for Step 1 and Step 3 are documented,
 - c. Projects that are located in a floodplain or runway clear zone meet the requirements of Sec. 58.6.
 - d. All relevant documents will be filed in each project file and the Environmental Review Record.
- STEP 5: RECEIVE LETTER FROM MSHDA CD SPECIALIST** giving the date costs may be incurred (page 5). The CD Specialist will also post this date on Intelligrants.
- STEP 6: COMPLETE THE DOWN PAYMENT ASSISTANCE CHECKLIST ON EACH PROJECT** (Forms, DPA Checklist).
- STEP 7: BEGIN INCURRING COSTS.**

PROGRAM SUMMARY SAMPLE

Affordable Housing Support—Down Payment Assistance

Activity Description: This activity is designed to provide support to approximately 15 low and moderate income households for closing costs when buying a house. The program will pay up to \$5,000 per family in closing costs, down payment assistance, and interest buy-downs for a project cost up to \$75,000. These 15 homes are in the Metropolis Heights neighborhood for a total project cost of \$75,000. In addition, this project includes funds to cover the administrative expenses incurred in the implementation of this grant.

Activity Classification: Down payment assistance is categorically excluded under 24 CFR 58.35(b) (5) because it will assist homeownership via provision of closing costs, down payment assistance, and interest buy-downs, and it is categorically excluded under 24 CFR 58.35(b)(2) because housing counseling will be provided. Every assisted household and unit file will have documentation of this classification by enclosing a completed DPA checklist (Forms, DPA Checklist). This project does not require publication or a request for release of funds.

Administrative expenses are exempt from NEPA pursuant to 24 CFR 58.34(a)(3).

David D. Barnes, Certifying Officer

Date

SAMPLE LETTER TO OCD RE DPA PROGRAM

(Edit all bolded information as appropriate.)

August 31, 2004

CD Specialist

Office of Community Development
MSHDA
PO Box 30044
Lansing, Michigan 48909

RE: Notification of DPA Process

Dear **(CD Specialist' name):**

This correspondence is written to advise you that with respect to our **(year of grant)** HOME Program, we have "Designated a Certifying Officer" for our environmental review process and prepared the enclosed Project Summary for the **City of Austin's** Down Payment Assistance Program.

Further, we will be completing the MSHDA DPA Checklist on each proposed project. We understand that if we are unable to satisfactorily complete any of the checklist questions, we are not to proceed with the project and are to contact you immediately for additional direction.

Should you have any questions, please contact me at **(248) 555-1212**. We will not begin incurring any DPA costs until we receive written confirmation from you.

Sincerely,

Joe Grantee

Enclosures

SAMPLE LETTER FROM CD SPECIALIST RE DPA PROGRAM
(Edit all bolded information as appropriate.)

August 31, 2004

Mr. Jon Benjamin
City of Austin
806 W. Houghton Avenue
Austin, Michigan 48903

RE: (grant number)

Dear **Mr. Benjamin**:

The Michigan State Housing Development Authority (MSHDA) has received your letter dated **June 15, 2004** identifying the DPA procedures you have agreed to follow for each proposed project and has reviewed your **(grant year)** DPA Project Summary. The **City of Austin** may begin incurring program costs for your HOME DPA activity as of **June 1, 2004**.

Should you have any questions, please contact me at **(517) 555-1212**.

Sincerely,

Jackie Jones
Community Development Specialist
Office of Community Development

CATEGORICALLY EXCLUDED ENVIRONMENTAL REVIEW PROCESS FOR LOCAL UNITS OF GOVERNMENT

NOTE: Review the “Reclassifying to Exempt” tab prior to proceeding with these steps, as the project or activity may be reclassified to exempt from the requirements of NEPA. In all cases, grantees must proceed with these steps to document program classification.

Housing activities that are considered categorically excluded in 24 CFR 58.35 are typically improvements to existing structures. Please refer to the following steps as they relate to federal assisted housing programs that are classified as categorically excluded.

STEP 1: DESIGNATE A CERTIFYING OFFICER (Forms, Certifying Officer). The Certifying Officer must be designated by the highest elected official of the municipality.

STEP 2: PREPARE A PROGRAM SUMMARY with a Description and Classification for each funded activity/component of the grant (sample, page 4). The strictest environmental review process identified in the Program Summary is required for the grant.

STEP 3: COMPLETE THE DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) PERMIT INFORMATION FORM (Forms, DEQ Permit Information). The DEQ has prepared a list of key questions to help identify what departmental permits, licenses, or approvals of a permit-like nature may be needed for a project. Any questions regarding this process should be directed to the Compliance and Assistance Unit of DEQ at 517-241-7839.

If any of the Key Questions on the Permit Information form are answered “Yes,” contact the relevant DEQ office for additional information and instruction. No longer is there a central DEQ officer to authorize one over-all clearance of OCD grants. Complete the requirements of each DEQ office and file documentation of all actions in the Environmental Review Record (ERR).

If all answers to the questions on the DEQ Permit Information form are “No,” file a copy of the completed form in the ERR.

STEP 4: CONTACT THE STATE HISTORIC PRESERVATION OFFICE (SHPO) WITH NOTICE OF FUNDING AWARD as follows:

New Grantees or New Grant Activity or New Location or Target Area.

1. If this is the first federal housing grant from OCD (CDBG/HOME), OR new activities are being undertaken (e.g., Homeowner Rehab to ADR Homebuyer) OR grant activities are changing (e.g., previously targeted to a specific neighborhood now city-wide), please use the sample letter on page 5 to notify SHPO of the grant award. This sample letter informs SHPO of the purpose and amount of the grant, informs them of the agency’s awareness of SHPO guidelines (see **NOTE** below) and asks for printed materials needed for individual project submission to SHPO.
2. Wait for SHPO’s written response prior to publishing the Notice to Public of Request for Release of Funds and Certification for the new grant.

Established Grantees Applying for the Same Activities (Components) in the Same Location or Target Area.

If SHPO has been contacted for past grants, and a supply of inventory cards (SHPO will only accept original cards—no copies please), Historic Significance Response Sheets (copies acceptable), and SHPO instructions, are on hand, please use the sample letter on page 6 when notifying SHPO of the grant award. This letter informs SHPO of the purpose and amount of the grant, and informs them of the agency's awareness of the new guidelines (see **NOTE** below). No response is requested from SHPO and none is returned. The Notice to Public of Request for Release of Funds may be published without waiting for a response from SHPO.

NOTE: Review the combined memorandum from HUD/SHPO dated September 2002 (References, SHPO) outlining the "Guidelines for Consulting with the State Historic Preservation Office (SHPO) under Section 106 of the National Historic Preservation Act of 1966, as amended." These guidelines offer general information about SHPO, explain the process for submitting housing rehabilitation projects for review, and, on page 12, give a list of "HUD PROJECT TYPES NOT REQUIRING CONSULTATION WITH THE SHPO." If *all* of the activities to be completed on a single unit are found on this list, SHPO does not need to be contacted about the house even if it is 50 years of age or older.

STEP 5: COMPLETE THE STATUTORY CHECKLIST (Forms, Statutory Checklist). Collect the appropriate documentation to support all responses. Requests for written responses may need to be made to the Fire Marshall, Zoning Department, SHPO, DEQ offices, etc. Responding N/A without an explanation in the last column of the checklist (Provide Compliance Documentation) will not be accepted.

STEP 6: When all letters and responses have been collected, **PREPARE THE "NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS"** depending on the source of funds. (Forms, Notice of Interest and Request for Release of Funds for CDBG) or (Forms, Notice of Interest and Request for Release of Funds for HOME)[See section 58.43 (a) for posting applicability]. Publication wording varies slightly between what is required from a local unit of government vs. a nonprofit, and CDBG grants vs. HOME grants. See Forms, Counting NOI, for assistance with dates in the notice.

STEP 7: Local unit of government grantees must **SEND A COPY OF THE "NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS" TO ALL INTERESTED GROUPS** and agencies ON or BEFORE the date of the publication (Forms, Mailing to Interested Parties). The mailing is to include a copy of the publication. (Refer to the Summary section for a definition of "Interested Parties".)

A signed and dated copy of the "Mailing to Interested Parties" must be kept in the Environmental Review Record file.

STEP 8: The local unit of government will **PUBLISH THE "NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS"**. [See section 58.43 (a) for posting applicability.] Contact the local newspaper to determine the exact date of publication. NOTE: There must be a minimum of 7 days **between** the publication date and the "on or about date". The "on or about date" must be a business day. The day after MSHDA receives the needed information will begin the 15-day state comment period. The last day for objections (the 15th day) must be a business day. The following day is the release of funds date, which does not have to be a business day but cannot be a Federal Holiday. (Forms, Counting Days)

STEP 9: ON THE “ON OR ABOUT DATE” THE GRANTEE WILL FAX AND MAIL THE FOLLOWING TO MSHDA:

1. Cover letter addressed to MSHDA CD Specialist (p. 7) indicating that Steps 1-8 have been completed and all documentation is filed in the ERR.
2. The original publication of the Notice of Intent to Request Release of Funds. Submit the entire page of the newspaper (tear sheet), which includes the name of the paper and date published. If the publication is cut out of the newspaper (without the top margin that gives the name of the paper and date of publication), submit an Affidavit (Form, Affidavit of Publication) with the publication.
3. Completed original request for Release of Funds and Certification Form signed by the Responsible Entity's Certifying Officer (Forms, Request for Release of Funds for Govt w/ CDBG) (Forms, Request for Release of Funds for Govt w/ HOME).

STEP 10: If MSHDA receives no objections by the “last date for objections”, the **CD SPECIALIST WILL POST THE RELEASE DATE** on Intelligrants and send correspondence with the release date and any other outstanding conditions of the grant agreement.

STEP 11: BEGIN TO COMMIT PROJECT RELATED COSTS (sign contracts) on or after MSHDA's identified release of funds date.

STEP 12: COMPLETE THE “ENVIRONMENTAL CHECKLIST” for **each proposed project (housing unit)** (Form, Environmental Checklist for Projects) and keep it with the individual project file.

STEP 13: If weatherization improvements are **excluded** from a proposed project's activities, **COMPLETE THE “NOISE DETERMINATION CHECKLIST”** (Forms, Noise Determination Checklist). If a Noise Assessment is required, it must be completed before proceeding with any activity (call a CD Specialist). If noise is not relevant to this project, file the completed checklist it in the individual project file.

NOTE: For monitoring and audit purposes, all grantees must maintain the Environmental Review Record for a minimum of three years after grant closeout.

HOMEBUYER PROGRAM SUMMARY

SAMPLE

Program Description: The City of _____ received MSHDA HOME grant in the amount of \$_____ to acquire, rehabilitate and resell (ADR) six single family housing units in the Lower Eastside area between Pine and Grove (N/S) from Maple to Main (E/W). All repairs will meet _____ code and the entire unit will at a minimum meet HUD's Section 8 Housing Quality Standards. All homes will be sold to income-eligible households at 80% or less of the _____ County's AMI. The City is matching MSHDA funds with \$200,000 of its 2003 PY CDBG funds and the total cost of each home will be approximately \$67,000.

The City of _____ also received administrative funds to implement this grant.

Classification: This homebuyer activity is categorically excluded under 24 CFR 58.35(a)(4) as "an individual action on a project of 5 or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than 4 units on any one site".

Administration of this grant is classified as Exempt from NEPA regulations under 24 CFR 58.34(a)(3), "administrative and management activities."

David Blackmer, Certifying Officer

(Date)

New Grantee

SAMPLE LETTER

(Edit all bolded information as appropriate)

April 15, 2003

Ms. Diane Tuinstra
Environmental Review Assistant
Michigan State Historic Preservation Office
702 West Kalamazoo Street
P.O. Box 30740
Lansing, Michigan 48909-8240

RE: Notice of Award of a **2003 CDBG** Housing Grant

Dear Ms. Tuinstra:

The purpose of this letter is to notify you that **Macomb County** has received a **2003 CDBG** Housing Grant in the amount of **\$200,000** from the Michigan State Housing Development Authority. This is our first federal-funded housing grant, and first communication with the SHPO. The grant funds from MSHDA will be used to **rehabilitate approximately 10-15 single family, owner-occupied homes countywide**. After rehabilitation, each property will meet both Section 8 Existing Housing Quality Standards and local building codes.

We have a copy of, and understand, the published guidelines issued in a joint memo from HUD and SHPO (September 2002). Based on the instructions in this memo we will not submit projects whose sole activities are exempt from consultation with SHPO. For all other projects involving houses that are older than 50 years, we will submit the necessary data for your review

Please provide us with the necessary survey cards and historical response sheets. We understand that we are to complete both and forward to you if we are proposing to rehabilitate a structure that is 50 or more years old and whose proposed rehabilitation involves activities that require your consultation. We also understand that we need to receive your comments back before beginning work on the project.

If you have any questions, please contact me at **(517) 555-1212**. Your timely response is appreciated, as completion of our environmental review is pending your written reply.

Sincerely,

Joe Grantee

Established Grantee

SAMPLE LETTER

(Edit all bolded information as appropriate)

April 15, 2003

Ms. Diane Tuinstra
Environmental Review Assistant
Michigan State Historic Preservation Office
702 West Kalamazoo Street
P.O. Box 30740
Lansing, Michigan 48909-8240

RE: Notice of Award of a **2003 CDBG** Housing Grant

Dear Ms. Tuinstra:

The purpose of this letter is to notify you that **Isabella County** has received a **2003 CDBG** Housing Grant in the amount of **\$200,000** from the Michigan State Housing Development Authority. These funds will be used to **rehabilitate approximately 10-15 single family, owner-occupied homes countywide**. As **Isabella County** has previously received **CDBG** funds to administer the same type of program in the same location, we are familiar with the National Historic Preservation Act of 1966 and our housing program potential to affect historic properties. (Please refer to our previous letter of **August 2001** notifying SHPO of our original grant.)

Please forward **15** additional survey cards and historical response sheets. We understand that we are to complete both and forward to you if we are proposing to rehabilitate a structure that is 50 or more years old. We also understand that we need to wait until we receive your comments before beginning work on the project.

If you have any questions, please contact me at **(517) 555-1212**.

Sincerely,

Joe Grantee

SAMPLE LETTER

(edit all bolded information as appropriate)

April 15, 2003

MSHDA CD Specialist
Office of Community Development
P.O. Box 30044
Lansing, Michigan 48909

RE: Request for Release of Funds and Certification and Environmental Publication for
Grant Number **MSC-2003-0000-HOA**

Dear **CD Specialist**:

This is to advise you that we have completed environmental review steps 1-8 for the Categorically Excluded Environmental Review Process for Local Units of Government, and have filed all relevant documentation in our Environmental Review Record.

Enclosed please find a full-page newspaper tear sheet and the Request for Release of Funds and Certification form relative to **Isabella County's 2003 Housing Program**. **Isabella County** is anticipating a release date of **May 23, 2003**.

Your timely review and response are appreciated. Should you have any questions, please contact me at **(517) 555-1212**.

Sincerely,

Joe Grantee

Enclosures

CATEGORICALLY EXCLUDED ENVIRONMENTAL REVIEW PROCESS FOR NONPROFIT AGENCIES

NOTE: Review the “Reclassifying to Exempt” tab prior to proceeding with these steps, as the grant may be eligible for reclassification to exempt from the requirements of NEPA.

Housing activities that are considered categorically excluded in 24 CFR 58.35 are typically improvements to existing structures. Please refer to the following steps as they relate to federal housing programs that are classified categorically excluded. These steps will be completed by the grantee unless otherwise identified below as a MSHDA responsibility.

STEP 1: DESIGNATE A CERTIFYING OFFICER (Forms, Certifying Officer). The Certifying Officer is designated by the Board Chair or Executive Director.

STEP 2: PREPARE A PROGRAM SUMMARY with a Description and Classification for each funded activity/component of the grant (sample, page 5). The strictest environmental review process identified in the Program Summary is required for the grant.

STEP 3: COMPLETE THE DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) PERMIT INFORMATION FORM (Forms, DEQ Permit Information). The DEQ has prepared a list of key questions to help identify what departmental permits, licenses, or approvals of a permit-like nature may be needed for a project. Any questions regarding this process should be directed to the Compliance and Assistance Unit of DEQ at 517-241-7839.

If the answer to any of the Key Questions is “Yes”, contact the listed DEQ office for additional information and instruction. (No longer is there a central DEQ officer to authorize one over-all clearance on OCD projects.) Complete the requirements of the relevant DEQ office and file documentation of all actions in the Environmental Review Record (ERR) file.

If all answers to the DEQ Permit Information questions are “No”, file a copy of the completed form in the ERR.

STEP 4: CONTACT THE STATE HISTORIC PRESERVATION OFFICE (SHPO) WITH NOTICE OF FUNDING AWARD:

New Grantee or New Grant Activity or Same Activity in a New Location

If this is the agency’s first HOME award, **OR** a new location is targeted (e.g., previously targeted to a specific neighborhood now city-wide) **OR** activities have changed (first new construction program), please utilize the sample letter on page 6 to notify SHPO of the grant award. This sample letter informs SHPO of the purpose and amount of the grant, informs them of the agency’s awareness of SHPO guidelines (see NOTE below), and asks for printed materials needed for project submission to SHPO.

Wait for SHPO’s written response prior to sending the Notice of Intent to Request Release of Funds (NOI/RROF).

Established Grantee Applying for Same Activities in the Same Location

If SHPO has been contacted for past awards and a supply of inventory cards (SHPO will only accept original cards—no copies please), Historic Significance Response Sheets (copies acceptable), and SHPO instructions are on hand, please use the sample letter on page 7 when notifying SHPO of the grant award. This letter informs SHPO of the purpose and amount of the grant and informs them of the agency's awareness of the SHPO guidelines (see **NOTE** below). No response is requested from SHPO and none is returned. The Notice of Intent to Request Release of Funds may be published without waiting for a response from SHPO.

NOTE: Before submitting individual project information to SHPO, please review the memorandum from HUD/SHPO dated September 2002 (See **References, SHPO**). This memo outlines the "Guidelines for Consulting with the State Historic Preservation Office (SHPO) under Section 106 of the National Historic Preservation Act of 1966, as amended." The guidelines offer general information about SHPO, explain the process for submitting housing rehabilitation projects for review, and, on page 12, give a list of "HUD PROJECT TYPES NOT REQUIRING CONSULTATION WITH THE SHPO." If **all** of the activities to be completed on a single unit are found on this list, SHPO does not need to be contacted about the house even if it is 50 years of age or older; but document the project file that consultation was not required.

STEP 5: COMPLETE STATUTORY CHECKLIST (Forms, Statutory Checklist). Collect the appropriate documentation to support responses on the Statutory Checklist. Request for written responses may need to be obtained from the Fire Marshall, Zoning Department, SHPO, DEQ, etc. Responding N/A without an explanation under the last column titled "Provide Compliance Documentation" will not be accepted. Completed samples of the Statutory Checklist may be found in **Forms, Statutory Checklist Sample**.

STEP 6: When all letters and responses have been collected, **PREPARE A DRAFT OF THE "NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS"** (Forms, Notice of Intent to Request Release of Funds for HOME) for submission to the CD Specialist.

NOTE: There must be a minimum of 7 days **between** the publication date and the "on or about date". The "on or about date" must be a business day. The day after HUD receives the needed information begin to count the 15 days for the state comment period. The last day for objections (the 15th day) must be a business day. The following day is the release date, which does not have to be a business day but cannot be a Federal Holiday. See, **Forms, Counting.NOI**, for assistance with the dates.

STEP 7: NONPROFIT GRANTEE SUBMITS TO CD SPECIALIST the following:

- a. Cover letter (sample on page 8) stating that STEPS 1-6 have been completed,
- b. Documentation supporting actions in STEPS 1-6,
- c. Draft of the "Notice to Public of Request for Release of Funds." **Please forward the draft notice via e-mail to your CD Specialist.**

MSHDA will complete the publication upon receipt of this information.

STEP 8: GRANTEE PREPARES A MAILING LIST OF INTERESTED PARTIES to whom a copy of the NOI will be sent (by the grantee) ON or BEFORE the date of publication. (Forms, Mailing List to Interested Parties). See STEP 10.

STEP 9: Prior to the “on or about date” MSHDA CD Specialist will follow these instructions:

1. Call Donovan & Smith at (517) 485-7237 with the following information:
 - a. Geographic region where notice needs to be published (city or county).
 - b. Type of program notice (HOME, CDBG, Section 8, Multi- Family, etc.).
 - c. Date the notice needs to be published.
2. Donovan & Smith will call back with exact date of publication.
3. CD Specialist will edit the dates in the notice to track with the date of publication, send an edited copy of the Notice to Grantee for mailing to Interested Parties, and return the edited copy to Donovan & Smith via e-mail at jilayne@donovanandsmith.com
4. Donovan & Smith will proof, change font for publication and e-mail back to CD Specialist with a final proof to be signed.
5. CD Specialist will sign proof and fax it back to Donovan & Smith at (517) 485-7354.
6. Donovan & Smith sends tear sheet to CD Specialist. On the “on or about date” CD Specialist will mail and fax the information in a and b (below) to HUD:

HUD Detroit Area Office
ATTN: Cynthia Washington
477 Michigan Avenue
Detroit, Michigan 48226
Phone (313) 226-7900, ext. 8045:
FAX (313) 226-6689

- a. Copy of the publication. Submit the entire page of the newspaper (tear sheet), which includes the top margin with the name of the paper and the date published. Or, send a copy with an Affidavit of Publication (Forms, Affidavit of Publication).
- b. HUD form 7015.15. A clickable form may be found on OCD's S drive (S:/Publications/ER Manual 2004/Forms/RROF.Nonprof (HUD 7015.15). A sample of a completed form may be found in the same folder. Note: For a HOME- funded grant for a nonprofit agency, the year to be inserted in Box #2 is the same year as in the grant number. Local units of government receive their release dates from MSHDA; neither HUD nor OCD requires they use this form.
 - i. After Bruce Jeffries, MSHDA's Certifying Officer, signs the RROF and Certification, a copy needs to be given to Becky Search.
 - ii. Use the sample letter on page 9 to forward the RROF to HUD.

c. Cover letter to Cynthia Washington.

STEP 10: Nonprofit grantees **SEND A COPY OF THE PUBLICATION TO ALL INTERESTED GROUPS**, agencies and their CD Specialist ON or BEFORE the date of the publication (Forms, Mailing List to Interested Parties).

The grantee needs to maintain the original signed and dated copy of the “Mailing to Interested Parties” in their Environmental Review Record. Forward copy to the CD Specialist for OCD’s ERR on this grant.

STEP 11: After MSDHA receives the release of funds (Forms, Authority to Use Grant Funds, HUD 7015.16) from HUD, the **CD SPECIALIST WILL POST THE RELEASE DATE** on Intelligrants and send correspondence with the release date and any other outstanding conditions of the grant agreement.

STEP 12: **BEGIN TO COMMIT PROJECT RELATED COSTS** (sign contracts) on or after HUD’s identified release of funds date on form 7015.16 and/or Intelligrants.

STEP 13: **COMPLETE THE “ENVIRONMENTAL CHECKLIST”** (Forms, Environmental Checklist for Project Files) for each housing unit (project) and file copy in the project file.

STEP 14: If Weatherization improvements are excluded from any proposed projects, **COMPLETE THE “NOISE DETERMINATION CHECKLIST”** (Forms, Noise Determination Checklist).

Grantees need to maintain all the above environmental information and any other pertinent environmental information in an Environmental Review Record for monitoring and auditing purposes for a minimum of three years after grant closeout. OCD’s grant file will contain a copy of the ERR for public review after publication.

PROGRAM SUMMARY – SAMPLE

EAST HOUSTON HOUSING CORPORATION HOMEBUYER ASSISTANCE PROGRAM

Program Description: The East Houston Housing Corporation (EHHHC) plans to purchase, rehabilitate and resell 12-15 units within its target area between Main Street (N) and the city line (S) and Maple (W) and Vine (E). EHHHC received a grant in the amount of \$250,000 from the Michigan State Housing Development Authority (\$225,000 for project costs and \$25,000 for administrative funds). The total program cost will be approximately \$1,000,000 funded with MSHDA HOME funds (\$200,000), City of East Houston HOME funds (\$200,000) and East Houston State Bank (\$600,000). Each unit will be rehabilitated to meet, at a minimum, East Houston's local codes and HUD's Section 8 Housing Quality Standards. Eligible household income must be at or below 80 percent AMI for Houston County, and all participants must receive pre- and post-homeownership counseling. Eligible candidates are expected to make cash contribution at closing of 1% of the sales price.

Program Classification: Categorically Excluded. The homebuyer program is categorically excluded under 24 CFR 58.35(a)(4)(ii) because it involves "an individual action on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site".

Exempt. Administrative funds are classified as exempt under 24 CFR 58.34(a)(3).

Joe Grantee, Executive Director

Date

**NEW GRANTEE
SAMPLE LETTER**
(Edit all bolded information as appropriate.)

April 15, 2003

Ms. Diane Tuinstra
Environmental Review Assistant
Michigan State Historic Preservation Office
702 West Kalamazoo Street
P.O. Box 30740
Lansing, Michigan 48909-8240

RE: Notice of Award of a **2003 HOME** Grant

Dear Ms. Tuinstra:

The purpose of this letter is to notify you that **East Houston Housing Corporation (EHHC)** has received a **2003 HOME** Grant for **\$250,000** from the Michigan State Housing Development Authority. These funds will be used to fund the EHHC Homebuyer Program that will **purchase, rehabilitate and resell approximately 12-15 single family housing units in the East Houston neighborhood bounded by Main Street (N) and the city line (S), Maple (W) and Vine (E).** After rehabilitation, each property will meet both Section 8 Existing Housing Quality Standards and local building codes.

Please provide us with the necessary survey cards and historical response sheets. We understand that we are to complete both and forward them to you if we are proposing to rehabilitate a structure that is 50 years of age or older.

We also understand that we need to wait for your comments and receive SHPO's survey forms and response sheets before beginning work on any project. If you have questions, please contact me at **(517) 555-1212**. Your timely response is appreciated, as completion of our environmental review is pending your written reply.

Sincerely,

Joe Grantee

Established Grantee

SAMPLE LETTER
(Edit all bolded information as appropriate.)

April 15, 2003

Ms. Diane Tuinstra
Environmental Review Assistant
Michigan State Historic Preservation Office
702 West Kalamazoo Street
P.O. Box 30740
Lansing, Michigan 48909-8240

RE: Notice of Award of a **2003 HOME** Grant

Dear Ms. Tuinstra:

The purpose of this letter is to notify you that **East Houston Housing Corporation (EHH)** has received a **2003 HOME** Grant for **\$250,000** from the Michigan State Housing Development Authority. These funds will be used to continue funding EHH's Homebuyer Program that will **purchase, rehabilitate and resell approximately 10-15 single family housing units in the East Houston neighborhood bounded by Main Street (N) and the city line (S), Maple (W) and Vine (E).** After rehabilitation, each property will meet both Section 8 Existing Housing Quality Standards and local building codes.

As East Houston Housing Corporation has previously received federal HOME funds to administer a homebuyer program; we are familiar with the National Historic Preservation Act of 1966 and our housing program's potential for effects on historic properties. East Houston Housing Corporation is therefore affirming that SHPO will be allowed the opportunity to review any project that will affect a unit that is 50 or more years old before the project work begins. Please forward **15** additional survey cards and historical response sheets. If you have any questions, you may contact me at **517-555-1212**.

Sincerely,

Joe Grantee

SAMPLE LETTER TO CD SPECIALIST
(Edit bolded text as appropriate.)

June 4, 2004

Judy Fry
MSHDA CD Specialist
Office of Community Development
P.O. Box 30044
Lansing, Michigan 48823

RE: HRF Grant # **XXXXXXXX**

Dear **X**:

This correspondence is written to advise you that the **East Houston Housing Corporation (EHHC)** has made the compliance determination that the above-referenced OCD grant is Categorically Excluded under 24 CFR 58.35. **EHHC** has satisfactorily completed Steps 1-6 in the Categorically Excluded for Non-profits section of OCD's Environmental Manual. We understand that MSHDA, as the Responsible Entity for this grant, must have a complete **copy** of the Environmental Review Record (ERR) for public review. (EHHC will maintain the originals in its grant file.) We have designated a certifying officer, completed the required statutory checklist and collected the data in support of the statutory requirements. The enclosed ERR contains copies of the following:

- Designation of Certifying Officer
- Program Summary with Project Description and Classifications of all activities/components.
- DEQ Permit Information form with supplemental documentation
- SHPO correspondence
- Statutory Checklist with supplemental documentation
- Draft Notice to Public for Request for Release of Funds

We understand you will be publishing this notice in a local paper of general circulation, which for our area would be the **East Houston Chronicle**. In addition we understand that our agency is required to complete the Mailing to Interested Parties on or before the date of publication. A *copy* of the mailing and list will be forwarded as soon as this task is completed. Please keep the original signed and dated mailing list in your files. We anticipate your call to coordinate the publication date and completion of environmental review requirements.

During the course of grant implementation, EHHC will complete an Environmental Checklist for Project Files for every project and a Noise Determination Checklist, when applicable. Copies will be maintained in the project files.

If you have any questions, you may contact me at **616-335-1212**.

Sincerely,

Judy Grantee
Enclosures

SAMPLE LETTER TO HUD

November 4, 2004

Ms. Cynthia Washington
HUD Detroit Area Office
477 Michigan Avenue
Detroit, MI 48226

RE: Monroe County Opportunity Program (MCOP)
Request for Release of Funds and Certification

Dear Ms. Washington:

Enclosed please find the publication and Request for Release of Funds and Certification (form 7015.15) relative to MCOP's new HOME program.

MSHDA is anticipating a release date of November 23, 2004. Your timely review and response is appreciated. Should you have any questions, please do not hesitate to contact me at (517) 373-8544.

Sincerely,

Renee Conklin, CD Specialist
Office of Community Development

Enclosures

ENVIRONMENTAL REVIEW PROCESS RECLASSIFYING TO EXEMPT

Programs that are categorically excluded under 24 CFR 58.35(a)(1-6) may, in some instances, be eligible for reclassification to exempt. If **NONE** of the potential projects that will be funded with this grant require compliance with the authorities listed in sec. 58.5, you may reclassify your project as exempt from the requirements of NEPA. Section 58.5 authorities are represented on the Statutory Checklist—(Forms, Statutory Checklist). **If there is any doubt that each and every house in this program will be exempt from the authorities on the statutory checklist, you may not convert these activities to exempt.**

A federal housing grant may be reclassified to exempt if,

1. Activities are those listed in section 58.35(a)(1-6):
 - Public facilities improvements
 - Accessibility projects
 - Rehabilitation of (i) multifamily buildings, or (ii) non-residential structures
 - An individual action on a one-four family dwelling OR on five or more scattered sites that are more than 2,000 feet apart and there are not more than four units on any one site.
 - Acquisition of vacant land to maintain its same use.
 - Combinations of the above.

AND

2. There are no circumstances that require compliance with any other Federal laws and authorities cited in Sec. 58.5 (See, 24 CFR 58.34(a)(12)).

Step-by-Step Environmental Review Process for Reclassifying to Exempt.

Step 1. DESIGNATE A CERTIFYING OFFICER (Forms, Certifying Officer). The certifying officer must be designated by the highest elected official of the municipality.

Step 2. If site selection is not completed, **DETERMINE THE LIKELIHOOD THAT ANY OF THE PROJECTS** (houses) to be selected **WILL NEED THE ADDITIONAL REVIEWS REQUIRED BY THE AUTHORITIES IN SECTION 58.5.** This determination can easily be made with a good understanding of the targeted area or locality. It is important to remember to **stop work** and complete the more extensive environmental review process (publication and request for release of funds) for any activities on sites that are:

- 1) 50 years or older, historically significant, and the proposed activities will have an effect (whether adverse or not) on its historic significance, or,
- 2) Require compliance with the authorities in 58.5.

NOTE: Many grantees choose to do a full categorically excluded environmental review to ensure that there will be no delays in program implementation if, as sites are selected, it becomes known that additional environmental review requirements will be needed.

STEP 3: PREPARE A PROGRAM SUMMARY (page 4) with a Description and Classification for each funded activity/component.

STEP 4: COMPLETE THE DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) PERMIT INFORMATION FORM (Forms, DEQ Permit Information). The DEQ has prepared a list of key questions to help identify what departmental permits, licenses, or approvals of a permit-like nature may be needed for an individual project. Any questions regarding this process DEQ should be directed to the Compliance and Assistance Unit in the DEQ at 517-241-7839.

If any of the Key Questions on the Permit Information form are answered “Yes”, contact the listed DEQ offices individually for additional information and instruction. NOTE: No longer is there a central DEQ officer to authorize one over-all clearance on OCD projects.

File documentation of all actions in the ERR.

STEP 5: Review the memorandum from HUD/SHPO dated September 2002 outlining the “Guidelines for Consulting with the State Historic Preservation Office (SHPO) under Section 106 of the National Historic Preservation Act of 1966, as amended” (See References, SHPO). These guidelines offer general information about SHPO, explain the process for submitting housing rehabilitation projects for review, and, on page 12, give a list of “HUD PROJECT TYPES NOT REQUIRING CONSULTATION WITH THE SHPO.”

CONTACT THE STATE HISTORIC PRESERVATION OFFICE (SHPO) WITH NOTICE OF FUNDING AWARD as follows:

New Grantees or New Grant Activity or Same Activity in a New Location

If this is the agency's first federal housing grant from OCD (CDBG/HOME), OR a new activity is undertaken (e.g., Homeowner Rehab to ADR Homebuyer) OR activities are expanded or changed (e.g., previously targeted to a specific neighborhood now citywide), please use the sample letter on page 5 to notify SHPO of your grant award.

Wait for SHPO's written response prior to publishing the Notice to Public of Request for Release of Funds for the new grant.

Established Grantees Applying for the Same Activities (Components) in the Same Location.

If SHPO has been contacted in the past and a supply of inventory cards (SHPO will only accept original cards—no copies please), Historic Significance Response Sheets (copies acceptable), and SHPO instructions are on hand, please use the sample letter on page 6 when notifying SHPO of the grant award. This letter informs SHPO of the purpose and amount of the grant, and informs them of the agency's awareness of the new guidelines. No response is requested from SHPO and none is returned, but SHPO clearance is required for each individual project site 50 years or older.

Add note about consultation memo

NOTE: As project sites are selected, correspond with SHPO about all units that are 50 or more years old. If any of the older units are found to be historically significant, the reclassification to exempt no longer applies. Stop and publish. Call CD Specialist.

- Step 6.** Complete the Statutory Checklist (Forms, Statutory Checklist) using data collected from DEQ, SHPO, local authorities, etc. Provide compliance documentation to support all responses (floodplain maps, permits, SHPO response sheets, etc.)

If it is concluded (and documented) that none of the federal laws at 24 CFR 58.5 are applicable to the project, publication and request for release of funds are not required. However, submit the compliance determination with all supporting documents to OCD and wait to receive CD Specialist approval of the determination.

- Step 7. COMPLETE A PROGRAM SUMMARY** (description and classification) for each activity and component in the grant. (See a sample on page 4.)

- Step 8. NOTIFY THE MSHDA CD SPECIALIST** in writing that 1) the above steps have been completed, 2) an individual project checklist (Forms, Individual Project Checklist) will be completed for each project and filed in the individual project files, and, 3) a copy of the Program Summary is included for MSHDA files. **Program funds may not be committed prior to the date of the correspondence (or notification on Intelligrants) from the CD Specialist concurring with the determination.** This applies even if the program is being reclassified to exempt.

- Step 9. BEGIN TO COMMIT PROJECT RELATED COSTS** on or after the date identified by MSHDA.

- Step 10.** As each project is identified, **COMPLETE AN INDIVIDUAL PROJECT CHECKLIST** and file it in the individual project file. Include SHPO clearance form, permit or other documentation relevant to the project.

- Step 11.** If a site requires compliance with one of the laws cited in 58.5, **stop work** and call the CD Specialist.

PROGRAM SUMMARY

County Homeowner Rehab Program

Program Description

East County has received its 2004 CDBG allocation from MSHDA in the amount of \$250,000 to continue its countywide homeowner rehabilitation program. The county will affirmatively market to all cities, townships and villages in East County for applicant homeowners that are at 60% AMI income or lower. The maximum assistance is \$20,000 with up to \$10,000 in additional funds to mitigate lead paint hazards. The County continues to leverage these CDBG funds with MSHDA PIP and Rural Development funds. Additional funds will be requested from the CAA weatherization program. Administrative funds are also included in this amount.

The homeowner rehab activity is initially classified as categorically excluded from NEPA under 24 CFR 58.35(a)(4)(ii) as

“An individual action on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site.”

However, after completing the statutory checklist (Forms, Statutory Checklist) for compliance with other related laws (24 CFR 58.5), a determination was made that none of the potential sites will require compliance with the laws and regulations in section 58.5.

Classification: Therefore this activity is reclassified to exempt pursuant to 24 CFR 58.34(a)(12) as:

“Any of the categorical exclusions listed in Sec. 58.35(a) provided that there are no circumstances which require compliance with any other Federal laws and authorities cited in Sec. 58.5.”

Administrative funds for this grant program are exempt from NEPA under section 58.34(a)(3) as “administrative and management” activities.

Certifying Officer

Date

ENVIRONMENTAL REVIEW PROCESS ENVIRONMENTAL ASSESSMENT FOR LOCAL UNITS OF GOVERNMENT

Activities that are neither exempt under Sec. 58.34 nor categorically excluded from NEPA under Sec. 58.35 (or categorically excluded with “extraordinary circumstances” under Sec. 58.2(a)(3)) require an Environmental Assessment Sec. 58.36. An Environmental Assessment requires the completion of the Statutory Checklist and the Environmental Assessment Checklist.

The following steps relate to a federal assisted OCD housing grant that has been determined to need an environmental assessment. These steps will be completed by the grantee unless otherwise identified below as a MSHDA responsibility.

STEP 1: DESIGNATE A CERTIFYING OFFICER (Forms, Certifying Officer). The certifying officer must be designated by the highest elected official of the municipality.

STEP 2: PREPARE A PROGRAM SUMMARY with a Description and Classification for each funded activity/component of the grant (sample, page 4). The strictest environmental review process identified in the Program Summary is required.

STEP 3: COMPLETE THE DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) PERMIT INFORMATION FORM (Forms, DEQ Permit Information). The DEQ has prepared a list of key questions to help identify what departmental permits, licenses, or approvals of a permit-like nature may be needed for a project. Any questions regarding this process should be directed to the Compliance and Assistance Unit of DEQ at 517-241-7839.

If any of the Key Questions on the Permit Information form are answered “Yes,” contact the relevant DEQ office for additional information and instruction. No longer is there a central DEQ officer to authorize one over-all clearance of OCD grants. Complete the requirements of each DEQ office and file documentation of all actions in the Environmental Review Record (ERR).

If all answers to the questions on the DEQ Permit Information form are “No,” file a copy of the completed form in the ERR.

STEP 4: CONTACT THE STATE HISTORIC PRESERVATION OFFICE (SHPO) WITH NOTICE OF FUNDING AWARD:

New Grantees or New Grant Activity or Same Activity in a New Location.

If this is the agency’s first federal housing grant from OCD (CDBG/HOME), **OR** new activities are undertaken (e.g., Homeowner Rehab to ADR Homebuyer) **OR** activities are changed or expanded (e.g., previously targeted to a specific neighborhood now city-wide), please use the sample letter on page 5 to notify SHPO of the grant award. This letter informs SHPO of the purpose and amount of the grant, informs them of the agency’s awareness of SHPO guidelines and asks for printed materials needed for project submission.

Wait for SHPO’s written response prior to publication of the Combined Notice. Instructions for publication begin in Step 6 below.

Established Grantees Applying for the Same Activities (Components) in the Same Location.

If SHPO has been notified of past grant awards, and a supply of inventory cards (SHPO will only accept original cards—no copies please), Historic Significance Response Sheets (copies acceptable), and SHPO instructions are on hand, please use the sample letter on page 6 when notifying SHPO of the grant award. This letter informs SHPO of the purpose and amount of the grant and of the agency's awareness of SHPO guidelines. **No response is requested, and none is returned.** (See NOTE below.) The Combined Notice may be published without waiting for a response from SHPO.

NOTE: Before submitting individual project information to SHPO, please review the memorandum from HUD and SHPO dated September 2002 (References, SHPO). This memo outlines the "Guidelines for Consulting with the State Historic Preservation Office (SHPO) under Section 106 of the National Historic Preservation Act of 1966, as amended." The guidelines offer general information about SHPO, explain the process for submitting housing rehabilitation projects for review, and, on page 12, give a list of "HUD PROJECT TYPES NOT REQUIRING CONSULTATION WITH THE SHPO." If *all* of the activities to be completed on a single unit are found on this list, SHPO does not need to be notified about the house even if it is 50 or more years old.

STEP 5: COMPLETE A STATUTORY CHECKLIST (Forms, Statutory Checklist) **AND THE ENVIRONMENTAL ASSESSMENT CHECKLIST** (Forms, Environmental Assessment Checklist). Collect the appropriate documentation to support all responses. Written request for responses from the Fire Marshall, Zoning Department, SHPO, DEQ offices, and others may be needed. Responding N/A without an explanation in the last column (Provide Compliance Documentation) will not be accepted. Completed samples of both checklists may be found in Forms, Sample Statutory Checklist, and Forms, Sample Environmental Assessment Checklist.

STEP 6: When all letters and responses have been collected, **PREPARE A DRAFT OF THE "COMBINED NOTICE:** Notice of Finding of No Significant Impact (FONSI) on the Environment and Notice of Intent to Request Release of Funds" (Forms, Combined Notice) for submission to the CD Specialist and mailing to interested parties. Publication wording will vary slightly between that required for a local unit of government vs. nonprofit and CDBG grants vs. HOME grants. See Forms, Counting for Combined Notice, for assistance with the dates in the notice.

NOTE: For a Combined Notice, there must be a minimum of 15 days **between** the publication date and the "on or about date" making the "on or about" day the 16th day after date of publication. The "on or about date" must be a business day. The day after MSHDA receives the needed information is the first day of the 15-day waiting period for comments to the state. The last day for objections (the 15th day) must be a business day. The following day is the release date, which does not have to be a business day but cannot be a Federal Holiday.

STEP 7: Government grantees must **SEND A COPY OF THE COMBINED NOTICE TO ALL INTERESTED GROUPS AND AGENCIES** *on or before* the date of publication (Forms, Mailing to Interested Parties).

A signed and dated copy of the "Mailing to Interested Parties" list must be kept in the Environmental Review Record file.

STEP 8: The government agency must **PUBLISH THE COMBINED NOTICE**. [See section 58.43 (a) for posting applicability.] Contact the local newspaper to determine the exact date of publication. NOTE: There must be a minimum of 15 days **between** the publication date and the "on or about date" making the "on or about" day the 16th day after date of publication. The "on or about date" must be a business day. The day after MSHDA receives the needed information will begin the 15-day state comment period. The last day for objections (the 15th day) must be a business day. The following day (16th day after receipt by MSHDA) is the release of funds date, which does not have to be a business day but cannot be a Federal Holiday.

STEP 9: On the "on or about date" the **GRANTEE MUST FAX AND MAIL THE FOLLOWING TO MSHDA:**

1. Cover letter addressed to MSHDA CD Specialist (page 7) indicating that Steps 1-8 have been completed and all documentation is filed in the ERR.
2. The original publication of the Combined Notice. Submit the entire page of the newspaper (tear sheet), which includes the name of the paper and date published in the top margin. IF the publication is cut out of the newspaper, submit an Affidavit (Forms, Affidavit of Publication) with the publication.
3. Completed original Request for Release of Funds and Certification For Environmental Assessment form signed by the Responsible Entity's Certifying Officer (Forms, Request for Release of Funds for Environmental Assessment for Gov.CDBG) or (Forms, Request for Release of Funds for EA for Gov. HOME).

STEP 10: If no objections are filed with MSHDA by the "last date for objections," the **CD SPECIALIST WILL POST THE RELEASE DATE** on Intelligrants and send correspondence with the release date and any other outstanding conditions of the grant agreement.

STEP 11: BEGIN TO COMMIT PROJECT RELATED COSTS (sign contracts) on or after MSHDA's identified "release of funds" date.

STEP 13: Confirm that each project site is true to the original classification: **COMPLETE A PROJECT CHECKLIST FOR EACH UNIT** (Forms, Environmental Checklist for Project Files).

If working on a unit that is 50 years or older, review the memo from HUD and SHPO; some of these units may not require consultation with SHPO (see Step 4 above). All project checklists must be filed in the respective project file with a copy to the ERR.

STEP 14: If Weatherization improvements are excluded from any proposed projects, **COMPLETE THE "NOISE DETERMINATION CHECKLIST"** for the site (Forms, Noise Determination Checklist).

Grantees need to maintain copies of all the above forms and supporting documentation and any other pertinent environmental information in an Environmental Review Record (ERR) for monitoring and auditing purposes for a minimum of three years after grant close-out.

PROGRAM SUMMARY

Main Street Project

Activity Description: Downtown Rental Development

In a joint effort to redevelop downtown Sault Ste. Marie the Michigan State Housing Development Authority (MSHDA) has awarded the Chippewa-Luce-Mackinac Community Action Human Resource Authority, Inc. (C-L-M Community Action) \$270,000 in 2003 HOME funds and the Michigan Economic Development Corporation (MEDC) has awarded the City of Sault Ste. Marie \$615,000 in 2003 Community Development Block Grant (CDBG) funds. The Main Street Project, when completed, will be a unique mixed-use redevelopment of one half of a city block in downtown Sault Ste. Marie. The first floor, to be separately financed, will include both retail commercial and office space separated by an enclosed pedestrian mall. The residential portion of the development will be on the two upper floors with view down into the mall. HOME funds will be used to assist in the construction of 14 new apartment units, as well as community facilities and amenities normally associated with senior housing (e.g. Senior Nutrition Program, the City of Sault Ste. Marie Dial-A-Ride Program and a Health Screening Program). The development site is on Ashmun Street at the Southwest corner of Spruce Street. The units will be available for low-income senior citizens. This facility will be operated by C-L-M Community Action.

The proposed residential site is presently occupied by several vacant buildings constructed in the early 1900's. It has been determined that the upper floors of the structures are unsafe and MDOC is making available Community Development Block Grant (CDBG) funds to the City of Sault Ste. Marie for the demolition of the buildings and for site preparation.

Administrative funds were also awarded which are exempt under 24 CFR 58.34(3).

Rental Development Activity Classification:

Environmental Assessment. This project requires an Environmental Assessment under 24 CFR 58.36 including the completion of both a Statutory Checklist and an Environmental Assessment Checklist.

Spencer R. Nebel
City Manager/Certifying Officer

Date

New Grantee

SAMPLE LETTER
(Edit all bolded information as appropriate)

April 15, 2003

Ms. Diane Tuinstra
Michigan Department of State
State Historic Preservation Office
702 West Kalamazoo Street
P.O. Box 30740
Lansing, Michigan 48909-8240

RE: Notice of Award of a **2003 HOME** Housing Grant

Dear Ms. Tuinstra:

The purpose of this letter is to notify you that the **Chippewa-Luce-Mackinac Community Action Agency** has received a **2003 HOME** Housing Grant for **\$270,000** from the Michigan State Housing Development Authority. These funds will be used to **develop 14 new rental units in downtown Sault Ste. Marie to be available for low-income senior citizens**. After development, each unit will meet the city's local building code.

This correspondence is our first contact with the State Historic Preservation office (SHPO). Please provide us with the necessary survey cards and historical response sheets. We understand that we are to complete both and forward to you regarding the potential historical significance of the area in which the downtown buildings to be developed are located. We also understand that we need to wait for your written response before beginning any work on the project.

If you have any questions, please contact me at **(517) 555-1212**. Your timely response is appreciated, as completion of our environmental review is pending your written reply.

Sincerely,

Joe Grantee

SAMPLE LETTER
Established Grantee Applying for Same Type of Funds

(Edit all bolded information as appropriate)

April 15, 2003

Ms. Diane Tuinstra
Environmental Review Assistant
Michigan State Historic Preservation Office
702 West Kalamazoo Street
P.O. Box 30740
Lansing, Michigan 48909-8240

RE: Notice of Award of a **2003 HOME** Housing Grant

Dear Ms. Tuinstra:

The purpose of this letter is to notify you that **Chippewa-Luce-Mackinac Community Action Agency** has received a **2003 HOME** Housing Grant for **\$270,000** from the Michigan State Housing Development Authority. These funds will be used to **develop 10-15 rental units for low-income seniors**. As the **Chippewa-Luce-Mackinac CAA** has previously received federal funds and has corresponded with your office, we are familiar with the National Historic Preservation Act of 1966 and our housing programs' potential to effect historic properties. (Please refer to the attached letter of **August 2001** notifying SHPO of our first federal housing grant.)

Please forward **15** additional survey cards and historical response sheets. We understand that we are to complete both and forward to you if we are proposing to develop a structure that is located in a potentially historically significant area of the city. We also understand that we need to receive your comments on the individual buildings before beginning work.

If you have any questions, please contact me at **(517) 555-1212**.

Sincerely,

Joe Grantee

SAMPLE LETTER

(Edit all bolded information as appropriate.)

April 15, 2003

Jane Woodward

MSHDA CD Specialist
Office of Community Development
P.O. Box 30044
Lansing, Michigan 48823

RE: Letter to Proceed with Finding of No Significant Impact, Grant Number: **M-2003-XXXX**

Dear **Ms. Woodward**:

This correspondence is written to advise you that our agency has satisfactorily completed Steps 1-8 of the environmental review process for the Environmental Assessment for Local Units of Government, have copies of documentation of all actions taken in this environmental review and we are requesting that MSHDA publish the Combined Notice for the **Main Street Project**. The following are enclosed for your review:

- Designation of a Certifying Officer
- Program Summary
- Environmental Assessment and Statutory Checklists with source documentation
- Original tear sheet or copy of the combined notice and an affidavit of publication

We have successfully published in the **Saulte Ste Marie News** and sent copies to interested parties on or before the date of publication. We will maintain a copy of all documentation of our environmental review process in the Environmental Review Record (ERR) file which is available to the public for review.

If you have any questions, you may contact me at **(517) 335-5555**.

Sincerely,

Joe Grantee

SAMPLE LETTER

(Edit all bolded information as appropriate.)

May 15, 2003

Ms. Cynthia Washington
HUD Detroit Area Office
477 Michigan Avenue
Detroit, Michigan 48226

RE: Request for Release of Funds, Certification and Publication for **City of Sparta -- Grant Number M-2003-0000**

Dear Ms. Washington:

Enclosed please find a full page newspaper tear sheet and the Request for Release of Funds and Certification Form (HUD 7015.15) relative to **Sparta's 2003 HOME project**.

The Michigan State Housing Development Authority is anticipating a release date of **May 22, 2003**. Your timely review and response is appreciated. Should you have any questions, please do not hesitate to contact me at **(517) 335-0000**.

Sincerely,

Jamie Jones
Community Development Specialist
Office of Community Development

Enclosures

ENVIRONMENTAL REVIEW PROCESS ENVIRONMENTAL ASSESSMENT FOR NON-PROFITS

Activities that are neither exempt under Sec. 58.34 nor categorically excluded from NEPA under Sec. 58.35 (or categorically excluded with “extraordinary circumstances” under Sec. 58.2(a)(3)) require an Environmental Assessment (Sec. 58.36). An Environmental Assessment requires the completion of the Statutory Checklist and the Environmental Assessment Checklist.

The following steps relate to a federal assisted OCD housing grant that has been determined to need an environmental assessment. These steps will be completed by the grantee unless otherwise identified below as a MSHDA responsibility.

STEP 1: DESIGNATE A CERTIFYING OFFICER (Forms, Certifying Officer). The Certifying Officer must be designated by the Board Chair or Executive Director.

STEP 2: PREPARE A PROGRAM SUMMARY with a Description and Classification for each funded activity/component of the grant (sample, page 4). The strictest environmental review process identified in the Program Summary is required.

STEP 3: COMPLETE THE DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) PERMIT INFORMATION FORM (Forms, DEQ Permit Information). The DEQ has prepared a list of key questions to help identify what departmental permits, licenses, or approvals of a permit-like nature may be needed for a project. Any questions regarding this process should be directed to the Compliance and Assistance Unit of DEQ at 517-241-7839.

If any of the Key Questions on the Permit Information form are answered “Yes,” contact the relevant DEQ office for additional information and instruction. No longer is there a central DEQ officer to authorize one over-all clearance of OCD grants. Complete the requirements of each DEQ office and file documentation of all actions in the Environmental Review Record (ERR).

If all answers to the questions on the DEQ Permit Information form are “No,” file a copy of the completed form in the ERR.

STEP 4: CONTACT THE STATE HISTORIC PRESERVATION OFFICE (SHPO) WITH NOTICE OF FUNDING AWARD:

New Grantees or New Grant Activity or Same Activity in a New Location.

If this is the agency’s first federal housing grant from OCD (CDBG/HOME), **OR** new activities are undertaken (e.g., Homeowner Rehab to ADR Homebuyer) **OR** activities are changed or expanded (e.g., previously targeted to a specific neighborhood now city-wide), please use the sample letter on page 5 to notify SHPO of the grant award. This letter informs SHPO of the purpose and amount of the grant, informs them of the agency’s awareness of the new guidelines and asks for printed materials needed for project submission.

Wait for SHPO’s written response prior to the publication of the Combined Notice. Instructions for publication begin in Step 6 below.

Established Grantees Applying for the Same Activities (Components) in the Same Location.

If SHPO has been notified of past grants, and a supply of inventory cards (SHPO will only accept original cards—no copies please), Historic Significance Response Sheets (copies acceptable), and SHPO instructions are on hand, please use the sample letter on page 6 when notifying SHPO of the grant award. This letter informs SHPO of the purpose and amount of the grant, and of the agency's awareness of SHPO guidelines (See NOTE below). **No response is requested, and none is returned.** The Combined Notice may be published without waiting for a response from SHPO.

NOTE: Before submitting individual project information to SHPO, please review the memorandum from HUD and SHPO dated September 2002 (See References, SHPO). This memo outlines the "Guidelines for Consulting with the State Historic Preservation Office (SHPO) under Section 106 of the National Historic Preservation Act of 1966, as amended." The guidelines offer general information about SHPO, explain the process for submitting housing rehabilitation projects for review, and, on page 12, give a list of "HUD PROJECT TYPES NOT REQUIRING CONSULTATION WITH THE SHPO." If *all* of the activities to be completed on a single unit are found on this list, SHPO does not need to be contacted about the house even if it is 50 or more years old.

STEP 5: COMPLETE A STATUTORY CHECKLIST (Forms, Statutory Checklist) **AND THE ENVIRONMENTAL ASSESSMENT CHECKLIST** (Forms, Environmental Assessment Checklist). Collect the appropriate documentation to support all responses. Written request for responses from the Fire Marshall, Zoning Department, SHPO, DEQ offices, and others may be needed. Responding N/A without an explanation in the last column (Provide Compliance Documentation) will not be accepted. Completed samples of both checklists may be found in Forms, Sample Statutory Checklist, and Forms, Sample Environmental Assessment Checklist.

STEP 6: When all letters and responses have been collected, **PREPARE A DRAFT OF THE "COMBINED NOTICE:** Notice to Public of Finding of No Significant Impact (FONSI) on the Environment and Notice to Public of Request for Release of Funds" (Forms, Combined Notice) for submission to the CD Specialist and mailing to interested parties. Publication wording will vary slightly between that required for a local unit of government vs. nonprofit and CDBG grants vs. HOME grants. See, Forms, Counting for Combined Notice, for assistance with the dates in the notice.

NOTE: For a Combined Notice, there must be a minimum of 15 days **between** the publication date and the "on or about date" making the "on or about" day the 16th day after publication. The "on or about date" must be a business day. The day after HUD receives the needed information is the first day of the 15-day waiting period for comments to HUD. The last day for objections (the 15th day) must be a business day. The following day is the release date, which does not have to be a business day but cannot be a Federal Holiday.

STEP 7: NONPROFIT GRANTEE SUBMITS TO CD SPECIALIST the following:

- Cover letter (sample, page 7) stating that STEPS 1-6 have been completed,
- Documentation supporting actions in STEPS 1-6,
- Draft of the "Combined Notice."

MSHDA will arrange for the publication upon receipt of this information.

STEP 8: NONPROFIT GRANTEE SENDS A COPY OF THE PUBLICATION TO ALL INTERESTED GROUPS, agencies and CD Specialist ON or BEFORE the date of publication. (Forms, Mailing List to Interested Parties). Coordinate timing with CD Specialist in Step 9 to assure that final copy of Combined Notice is mailed to the interested parties.

STEP 9: Prior to the “on or about date” MSHDA CD Specialist will follow these instructions:

1. Call Donovan & Smith at (517) 485-7237 with the following information:
 - a. Geographic region where notice needs to be published (city or county).
 - b. Type of program notice (HOME, CDBG, Section 8, Multi- Family, etc.).
 - c. Date the notice needs to be published.
2. Donovan & Smith will call back with exact date of publication.
3. CD Specialist edits the dates in the notice to track with the date of publication, sends the edited final draft of the Combined Notice back to the Grantee for mailing to Interested Parties, and returns the edited draft to Donovan & Smith via e-mail at jilayne@donovanandsmith.com
4. Donovan & Smith proofs, changes font for publication and e-mails back to CD Specialist with a final proof to be signed.
5. CD Specialist signs proof and faxes it back to Donovan & Smith at (517) 485-7354. Donovan & Smith sends tear sheet to CD Specialist.
6. On the “on or about date” CD Specialist will mail and fax the information in (a) and (b) below to Cynthia Washington at HUD:

Ms. Cynthia Washington
HUD Detroit Area Office
477 Michigan Avenue
Detroit, Michigan 48226
Phone (313) 226-7900, ext. 8045
FAX (313) 226-6689

- a. Copy of the publication. You may submit the entire page of the newspaper (tear sheet), which includes the top margin with the name of the paper and the date published. Or, you may send a copy with an Affidavit of Publication (Forms, Affidavit of Publication).
- b. HUD form 7015.15. A clickable form may be found on OCD's S drive (S:/Publications/ER Manual 2004/Forms/RROF.Nonprof(HUD 7015.15). 7015.15). A sample of completed form 7015.15 may be found in the same folder. Note: For a HOME- funded grant for a nonprofit agency, the year to be inserted in Box #2 is the same year as in the grant number. Local units of government receive their release dates from MSHDA; neither HUD nor OCD requires they use this form.
 - i. After Bruce Jeffries, MSHDA's Certifying Officer, signs the RROF and Certification, a copy needs to be given to Becky Search.
 - ii. Use the sample letter on page 9 to forward the RROF to HUD.
 - iii. Cover letter to Cynthia Washington.

STEP 10: FORWARD A COMPLETE COPY OF THE ERR TO THE CD SPECIALIST to be kept in MSHDA's ERR for this grant. As the Responsible Entity for OCD nonprofit grantees, MSHDA is required to maintain the Environmental Review Record (ERR).

STEP 11: After MSDHA receives the release of funds from HUD, the **CD SPECIALIST WILL POST THE RELEASE DATE** on Intelligrants and send correspondence with the release date and any other outstanding conditions of the grant agreement.

STEP 12: BEGIN TO COMMIT PROJECT RELATED COSTS (sign contracts) on or after HUD's identified "release of funds" date.

STEP 13: COMPLETE THE "ENVIRONMENTAL CHECKLIST" (Forms, Environmental Checklist for Project Files) for each assisted unit completed with this grant. For a unit that is 50 years or older, please review the HUD/SHPO memo as some of these units may not require consultation with SHPO (See Step 4, above). All project checklists must be filed in the respective project file with a copy to the ERR.

STEP 14: COMPLETE THE "NOISE DETERMINATION CHECKLIST" (Forms, Noise Determination Checklist) for each assisted unit not receiving weatherization improvements. All project checklists must be filed in the respective project file with a copy to the ERR.

Grantees need to maintain all the above environmental information and any other pertinent environmental program information in an Environmental Review Record (ERR) for monitoring and auditing purposes for a minimum of three years after grant close-out. OCD's grant file will contain a copy of the ERR for public review.

PROGRAM SUMMARY

Avery Square Project

Activity Description: Rental Development

In a joint effort to redevelop downtown Sault Ste. Marie the Michigan State Housing Development Authority (MSHDA) has awarded the Chippewa-Luce-Mackinac Community Action Human Resource Authority, Inc. (C-L-M Community Action) \$270,000 in 2003 HOME funds and the Michigan Economic Development Corporation (MEDC) has awarded the City of Sault Ste. Marie \$615,000 in 2003 Community Development Block Grant (CDBG) funds. Avery Square, when completed, will be a unique mixed-use redevelopment of one half of a city block in downtown Sault Ste. Marie. The first floor, to be separately financed, will include both retail commercial and office space separated by an enclosed pedestrian mall. The residential portion of the development will be on the two upper floors with view down into the mall. HOME funds will be used to assist in the construction of 14 new apartment units, as well as community facilities and amenities normally associated with senior housing (e.g. Senior Nutrition Program, the City of Sault Ste. Marie Dial-A-Ride Program and a Health Screening Program). The development site is on Ashmun Street at the Southwest corner of Spruce Street. The units will be available for low-income senior citizens. This facility will be operated by C-L-M Community Action.

The proposed residential site is presently occupied by several vacant buildings constructed in the early 1900's. It has been determined that the upper floors of the structures are unsafe and MDOC is making available Community Development Block Grant (CDBG) funds to the City of Sault Ste. Marie for the demolition of the buildings and for site preparation.

Administrative funds were also awarded which are exempt under 24 CFR 58.34(3).

Rental Development Activity Classification:

Environmental Assessment. This project requires an Environmental Assessment under 24 CFR 58.36 including the completion of both a Statutory Checklist and an Environmental Assessment Checklist.

Spencer R. Nebel
City Manager/Certifying Officer

Date

New Grantee

SAMPLE LETTER

(Edit all bolded information as appropriate)

April 15, 2003

Ms. Diane Tuinstra
Environmental Review Assistant
Michigan State Historic Preservation Office
702 West Kalamazoo Street
P.O. Box 30740
Lansing, Michigan 48909-8240

RE: Notice of Award of a **2003 HOME** Housing Grant

Dear Ms. Tuinstra:

The purpose of this letter is to notify you that the **Chippewa-Luce-Mackinac Community Action Agency** has received a **2003 HOME** Housing Grant for **\$270,000** from the Michigan State Housing Development Authority. These funds will be used to **develop 14 new rental units in downtown Sault Ste. Marie to be available for low-income senior citizens**. After development, each unit will meet the city's local building code.

This correspondence is our first contact with the State Historic Preservation office (SHPO). Please provide us with the necessary survey cards and historical response sheets. We understand that we are to complete both and forward to you regarding the potential historical significance of the area in which the downtown buildings to be developed are located. We also understand that we need to wait for your written response before beginning any work on the project.

If you have any questions, please contact me at **(517) 555-1212**. Your timely response is appreciated, as completion of our environmental review is pending your written reply.

Sincerely,

Joe Grantee

SAMPLE LETTER
Established Grantee Applying for Same Type of Funds

(Edit all bolded information as appropriate)

April 15, 2003

Ms. Diane Tuinstra
Environmental Review Assistant
Michigan State Historic Preservation Office
702 West Kalamazoo Street
P.O. Box 30740
Lansing, Michigan 48909-8240

RE: Notice of Award of a **2003 HOME** Housing Grant

Dear Ms. Tuinstra:

The purpose of this letter is to notify you that **Chippewa-Luce-Mackinac Community Action Agency** has received a **2003 HOME** Housing Grant for **\$270,000** from the Michigan State Housing Development Authority. These funds will be used to **develop 10-15 rental units for low-income seniors**. As the **Chippewa-Luce-Mackinac CAA** has previously received federal funds and has corresponded with your office, we are familiar with the National Historic Preservation Act of 1966 and our housing programs' potential to effect historic properties. (Please refer to the attached letter of **August 2001** notifying SHPO of our first federal housing grant.)

Please forward **15** additional survey cards and historical response sheets. We understand that we are to complete both and forward to you if we are proposing to develop a structure that is located in a potentially historically significant area of the city. We also understand that we need to receive your comments on the individual buildings before beginning work.

If you have any questions, please contact me at **(517) 555-1212**.

Sincerely,

Joe Grantee

SAMPLE LETTER

(Edit all bolded information as appropriate.)

April 15, 2003

Jane Woodward

MSHDA CD Specialist
Office of Community Development
P.O. Box 30044
Lansing, Michigan 48823

RE: Letter to Proceed with Finding of No Significant Impact, Grant Number: **M-2003-XXXX**

Dear **Ms. Woodward**:

This correspondence is written to advise you that our agency has satisfactorily completed the following responsibilities and are requesting MSHDA to publish a "Finding of No Significant Impact" for the **Avery** project. The following are enclosed for your review:

- Designation of a Certifying Officer
- Grant Summary
- Environmental Assessment and Statutory Checklists with source documentation

A draft publication of the combined notice is also enclosed. We understand this publication must be in a local paper of general circulation, which for our area would be **Sault Ste. Marie News**. Further, we understand that our agency is required to coordinate the date of publication and send a copy of same to a list of interested parties on or before the date of the publication.

We will maintain a copy of all documentation of our environmental review in the Environmental Review Record (ERR) file which is available to the public for review.

If you have any questions, you may contact me at **(517) 335-5555**.

Sincerely,

Joe Grantee

SAMPLE LETTER

(Edit all bolded information as appropriate.)

May 15, 2003

Ms. Cynthia Washington
HUD Detroit Area Office
477 Michigan Avenue
Detroit, Michigan 48226

RE: Request for Release of Funds, Certification and Publication for **Spartan Non-Profit Agency -- Grant Number M-2003-0000**

Dear Ms. Washington:

Enclosed please find a full page newspaper tear sheet and the Request for Release of Funds and Certification form (HUD 7015.15) relative to **Spartan Non-Profit's 2003 HOME Program project**.

The Michigan State Housing Development Authority is anticipating a release date of **May 22, 2003**. Your timely review and response is appreciated. Should you have any questions, please do not hesitate to contact me at **(517) 335-0000**.

Sincerely,

Jamie Jones
Community Development Specialist
Office of Community Development

Enclosures

FORMS FOR OCD ENVIRONMENTAL REVIEW PROCESS

Affidavit of Publication

Certifying Officer (Sample)

Combined Notices for Local Units of Government receiving CDBG-- (Notice of Findings of No Significant Impact [FONSI] and Notice to Public for Request for Release of Funds)

Combined Notices for Local Units of Government receiving HOME-- (Notice of Findings of No Significant Impact [FONSI] and Notice to Public for Request for Release of Funds)

Combined Notices for Nonprofits -- (Notice of Findings of No Significant Impact [FONSI] and Notice to Public for Request for Release of Funds)

Counting the Days for Combined Notice

Counting the Days for Combined Notice Sample for Publication dated 8/22/04

Counting the Days for NOI/RROF

Counting the Days for NOI/RROF Sample for Publication dated 11/17/04

DEQ Permit Information

DPA Checklist -- Environmental Clearance of Down Payment Assistance Project and Other Categorically Excluded Activities Not Subject to Sec. 58.5 Authorities

Environmental Assessment Checklist

Environmental Assessment Sample

Environmental Checklist for Project Files

Mailing to Interested Parties (Sample List)

Noise Determination Checklist

Notice of Intent (NOI) to Request Release of Funds Sample for Government w/ CDBG

Notice of Intent (NOI) to Request Release of Funds Sample for Government w/ HOME

Notice of Intent (NOI) to Request Release of Funds Sample for Nonprofit

Release of Funds Letter from MSHDA (Sample)

Request for Release of Funds (RROF) & Certification Sample for Govt. w/ CDBG for CatEx

Request for Release of Funds (RROF) & Certification Sample for Govt. w/ HOME for CatEx

Request for Release of Funds and Certification Sample for Nonprofits--HUD Form

7015.15—**for MSHDA's use only** to RROF from HUD for CatEx and EA

Request for Release of Funds (RROF) & Certification Sample for Govt. w/ CDBG for EA

Request for Release of Funds (RROF) & Certification Sample for Govt. w/ HOME for EA

Statutory Checklist

Statutory Checklist Sample

AFFIDAVIT OF PUBLICATION
(Edit bolded information as appropriate.)

Michigan Newspapers, Inc.

On **May 3, 2003**, **Joe Grantee** appeared before me and duly swore that a **Spartan Township** ad of which the attached tear sheet is a true copy, was published in the **St. Joseph Herald Palladium** on **April 29, 2003**.

Signed _____
MNI Advertising Coordinator

Signed _____
Name of Notary, Notary Public
_____ County, MI

CERTIFYING OFFICER

The Certifying Officer responsible for all environmental review requirements is the chief executive officer (elected official or employee with the legal authority to unilaterally sign a contract which obligates the grantee) of your governmental body or non-profit organization.

Your environmental record must include the name of the Certifying Officer. To satisfy this requirement the following is an example of an appropriate designation of a Certifying Officer.

EXAMPLE

Certifying Officer

(Highest certifying official designates him/herself.)

<u>Virginia White,</u> (name)	<u>Township Supervisor,</u> (title)	of	<u>Spartan Township</u> (grantee)
----------------------------------	--	----	--------------------------------------

is the Certifying Officer for the Environmental Review requirements, regarding the CDBG/HOME Housing Programs.

(signature of above named person)

(date)

COMBINED NOTICE EXAMPLE
Government Receiving CDBG Funds
(Edit bolded information as appropriate.)

December 21, 2001

COMBINED NOTICE:
NOTICE OF FINDING OF NO SIGNIFICANT IMPACT (FONSI) AND
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

Notice of Intent to Request a Release of Funds

Spartan Township
287 Rose Avenue
Green City, Michigan 48794
Phone: (616) 445-8648

On or about **January 8, 2002** the above named **Township** will request the Michigan State Housing Development Authority (MSHDA) to release Federal funds under Title I of the Housing and Community Development Act of 1974.

5 Units New Construction of Single Family Housing for Low-Income Households

\$300,000	MSHDA HOME Funds
75,000	National City Mortgage Funds
<u>25,000</u>	<u>Federal Home Loan Bank</u>
\$400,000	

Spartan Township 2002 HOME New Construction of 5 single family homes to be sold to families with incomes not exceeding 80 percent of the area median income with anticipated 2001 or 2002 HOME/CDBG funds. The 5 units will be constructed in Oak Wood Neighborhood bounded by Main Street on the north, Oak Street on the south, Maple Avenue on the east, and South Lawn on the west. The proposed development, in Oak Wood Neighborhood, is located in Green City, Michigan. These units will be three bedroom homes ranging in size between 1200-1350 square feet. The city's high school is on south end of the neighborhood. The assistance to the eligible homebuyers will be in the form of a deferred homebuyer subsidy.

Notice of FONSI

Spartan Township also gives notice that it has been determined that the release of funds for the above project will not constitute an action significantly affecting the quality of the human environment and accordingly MSHDA has decided not to prepare an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA, 42 USC 4321).

The reasons for the decision not to prepare such Statement are as follows:

No serious environmental adverse impacts or hazards were identified in the course of the environmental review.

An Environmental Review Record respecting the proposed project has been made by **Spartan Township** which documents the environmental review of the project and more fully sets forth the reasons why such a Statement is not required. This Environmental Review Record is on file at **Spartan Township, 287 Rose Avenue, Room 210, Green City, MI 48794. The records are available for public examination and copying upon request between the hours of 8 a.m. and 5:00 p.m., Monday through Friday. Please contact Dave Jones at (517) 373-1972 for further information.**

S:\Publications\ER Manual 2004\Forms\Combined Notice from Govt CDBG.DOC

No further environmental review of such project is proposed to be conducted prior to the request for release of Federal funds.

Public Comments on Finding

All interested agencies, groups, and persons disagreeing with this decision are invited to submit written comments for consideration. Such written comments should be received at **Spartan Township's** address listed above on or before **January 7, 2002**. All such comments so received will be considered and **Spartan Township** will not request the release of Federal funds or take any administrative action on proposed project prior to the date specified in the preceding sentence.

Release of Funds

Spartan Township will undertake the project described above with **CDBG** Program funds allocated to the State of Michigan (MSHDA) under the National Affordable Housing Act of 1990. Spartan Township is certifying to MSHDA that Spartan Township and Julie Bell in her official capacity as Spartan Township Supervisor is consenting to accept the jurisdiction of Federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision-making, and action; and that these responsibilities have been satisfied. The legal effect of the certification is that upon its approval, **Spartan Township** may use the **CDBG** funds and MSHDA will have satisfied its responsibilities under the National Environmental Policy Act of 1969.

Objections To State and HUD Release of Funds

MSHDA will accept an objection to its approval only if it is on one of the following bases: (a) that the certification was not in fact executed by the certifying officer or other officer of applicant approved HUD; or (b) that applicant's environmental review record for the project indicated omission of a required decision finding or step applicable to the project in the environmental review process; or (c) other specific grounds in HUD regulations at 24 CFR Part 58.75. Objections must be prepared and submitted in accordance with the required procedure (24 CFR Part 58) and may be addressed to: Carolyn Cunningham, MSHDA at 735 E. Michigan Avenue, P.O. Box 30044, Lansing, Michigan 48909

Objections to the release of funds on bases other than those stated above will not be considered by HUD. No objections received after **January 23, 2002** will be considered by MSHDA.

COMBINED NOTICE EXAMPLE
Community Receiving HOME Funds
(Edit bolded information as appropriate.)

December 21, 2001

COMBINED NOTICE:
NOTICE TO PUBLIC OF FINDING OF NO SIGNIFICANT IMPACT (FONSI) AND
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

Notice of Intent to Request a Release of Funds

Spartan Township
287 Rose Avenue
Green City, Michigan 48794
Phone: (616) 445-8648

On or about **January 8, 2002** the above named **Township** will request the Michigan State Housing Development Authority (MSHDA) to release Federal funds under Title II of the (HOME Investment Partnership Act) of the Cranston-Gonzalez National Affordable Housing Act of 1990 the following project:

5 Units New Construction of Single Family Housing for Low-Income Households

\$300,000	MSHDA HOME Funds
75,000	National City Mortgage Funds
25,000	<u>Federal Home Loan Bank</u>
\$400,000	

Spartan Township 2002 HOME New Construction of 5 single family homes to be sold to families with incomes not exceeding 80 percent of the area median income with anticipated 2001 or 2002 HOME/CDBG funds. The 5 units will be constructed in Oak Wood Neighborhood bounded by Main Street on the north, Oak Street on the south, Maple Avenue on the east, and South Lawn on the west. The proposed development, in Oak Wood Neighborhood, is located in Green City, Michigan. These units will be three bedroom homes ranging in size between 1200-1350 square feet. The city's high school is on south end of the neighborhood. The assistance to the eligible homebuyers will be in the form of a deferred homebuyer subsidy.

Notice of FONSI

Spartan Township also gives notice that it has been determined that the release of funds for the above project will not constitute an action significantly affecting the quality of the human environment and accordingly MSHDA has decided not to prepare an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA, 42 USC 4321).

The reasons for the decision not to prepare such Statement are as follows:

No serious environmental adverse impacts or hazards were identified in the course of the environmental review.

An Environmental Review Record respecting the proposed project has been made by **Spartan Township** which documents the environmental review of the project and more fully sets forth the reasons why such a Statement is not required. This Environmental Review Record is on file at **Spartan Township, 287 Rose Avenue, Room 210, Green City, MI 48794. The records are available for public examination and copying upon request between the hours of 8 a.m. and 5:00 p.m., Monday through Friday. Please contact Dave Jones at (517) 373-1972 for further information.**

S:\Publications\ER Manual 2004\Forms\Combined Notice from Govt HOME.DOC

No further environmental review of such project is proposed to be conducted prior to the request for release of Federal funds.

Public Comments on Finding

All interested agencies, groups, and persons disagreeing with this decision are invited to submit written comments for consideration. Such written comments should be received at **Spartan Township's** address listed above on or before **January 7, 2002**. All such comments so received will be considered and **Spartan Township** will not request the release of Federal funds or take any administrative action on proposed project prior to the date specified in the preceding sentence.

Release of Funds

Spartan Township will undertake the project described above with **HOME** Program funds allocated to the State of Michigan (MSHDA) under the National Affordable Housing Act of 1990. Spartan Township is certifying to MSHDA that Spartan Township and Julie Bell in her official capacity as Spartan Township Supervisor is consenting to accept the jurisdiction of Federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision-making, and action; and that these responsibilities have been satisfied. The legal effect of the certification is that upon its approval, **Spartan Township** may use the **HOME** funds and MSHDA will have satisfied its responsibilities under the National Environmental Policy Act of 1969.

Objections To State and HUD Release of Funds

MSHDA will accept an objection to its approval only if it is on one of the following bases: (a) that the certification was not in fact executed by the certifying officer or other officer of applicant approved HUD; or (b) that applicant's environmental review record for the project indicated omission of a required decision finding or step applicable to the project in the environmental review process; or (c) other specific grounds in HUD regulations at 24 CFR Part 58.75. Objections must be prepared and submitted in accordance with the required procedure (24 CFR Part 58) and may be addressed to: Carolyn Cunningham, MSHDA at 735 E. Michigan Avenue, P.O. Box 30044, Lansing, Michigan 48909

Objections to the release of funds on bases other than those stated above will not be considered by HUD. No objections received after **January 23, 2002** will be considered by MSHDA.

COMBINED NOTICE EXAMPLE
Nonprofit Receiving HOME Funds

July 5, 2004

COMBINED NOTICE:
NOTICE OF FINDING OF NO SIGNIFICANT IMPACT
AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

Notice of Intent to Request Release of Funds

MSHDA
P.O. Box 30044
Lansing, Michigan 48909
Phone: (517) 373-1974

On or about **July 21, 2004** the Michigan State Housing Development Authority (MSHDA) will request the U.S. Department of Housing and Urban Development (HUD) to release Federal funds under Title II of the National Affordable Housing Act of 1990 for the following project:

81 Units New Construction of Rental Housing for Low-Income

\$2,000,000 MSHDA HOME Funds
2,373,575 MSHDA Mortgage (8%)
480,000 Federal Home Loan Bank
\$4,853,575

MSHDA intends to award Trinity Village Non-Profit Corporation up to \$2,000,000 in anticipated 2004 or 2005 HOME funds. The funds will be used to construct 81 family units. The proposed development, Hayward-Wells Estates, will be located in the City of Benton Harbor. The site is located between Eighth and Ninth Streets and to the south of Britain Street in Benton Harbor. The city's high school is to the south of the site. There will be 16 one bedroom apartments, 48 two bedroom stacked flats, and 16 three bedroom units in 8 identically configured buildings; and a two bedroom manager's apartment located in the community building. Each unit will have a private entrance, and one of each unit type will be designated for barrier-free living.

Notice of FONSI

MSHDA also gives notice that it has been determined that the release of funds for the above project will not constitute an action significantly affecting the quality of the human environment and accordingly, MSHDA has decided not to prepare an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA, 42 USC 4321).

The reasons for the decision not to prepare such Statement are as follows:

No serious environmental adverse impacts or hazards were identified in the course of the environmental review.

An Environmental Review Record respecting the proposed project has been made by MSHDA that documents the environmental review of the project, and more fully sets forth the reasons why such a Statement is not required. This Environmental Review Record is on file at MSHDA, 735 E. Michigan, Lansing, Michigan 48933. The records are available for public examination and copying upon request between the hours of 8 a.m. and 5:00 p.m., Monday through Friday. Please contact Carolyn Cunningham of MSHDA at (517) 335-4661 for further information.

No further environmental review of such project is proposed to be conducted prior to the request for release of Federal funds.

Public Comments on Finding

All interested agencies, groups, and persons disagreeing with this decision are invited to submit written comments for consideration. Such written comments should be received at MSHDA's address listed above on or before **July 20, 2004**. All such comments so received will be considered and MSHDA will not request the release of Federal funds or take any administrative action on proposed project prior to the date specified in the preceding sentence.

Release of Funds

Trinity Village Non-Profit Housing Corporation will undertake the project described above with HOME Program funds allocated to the State of Michigan (MSHDA) under the National Affordable Housing Act of 1990. MSHDA is certifying to HUD that MSHDA and Bruce Jeffries, MSHDA's Certifying Officer, are consenting to accept the jurisdiction of Federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision-making, and action; and that these responsibilities have been satisfied. The legal effect of the certification is that upon its approval **Trinity Village Non-Profit Housing Corporation** may use the HOME funds and HUD will have satisfied its responsibilities under the National Environmental Policy Act of 1969.

Objections To State and HUD Release of Funds

HUD will accept an objection to its approval only if it is on one of the following bases: (a) that the certification was not in fact executed by the certifying officer or other officer of applicant approved HUD; or (b) that applicant's environmental review record for the project indicated omission of a required decision finding or step applicable to the project in the environmental review process; or (c) other specific grounds in HUD regulations at 24 CFR Part 58.75. Objections must be prepared and submitted in accordance with the required procedure (24 CFR Part 58) and may be addressed to: Bill Osis, HUD Detroit Area Office, 477 Michigan Avenue, Detroit, MI 48226.

Objections to the release of funds on bases other than those stated above will not be considered by HUD. No objections received after **August 6, 2004** will be considered by HUD.

Counting the Days for Combined Notice

DATES ¹	COUNT	COMMENTS
	Publication	Day of publication – save the entire page of paper w/ article
	1	The <u>day after</u> publication is 1 st day of the first comment period.
	2	There must be 15 full days allowed for comments to local govt.
	3	
	4	
	5	
	6	
	7	
	8	
	9	
	10	
	11	
	12	
	13	
	14	
	15	The 15 th day must be a business day. If not, allow another day (or two, if necessary) for comments.
		<i>Do not fill in the date for this row unless you needed an extra day for comments.</i>
		<i>Do not fill in the date for this row unless you needed an extra 2 days.</i>
	On or about day	Fax & mail Combined Notice to CD Specialist the <u>day after</u> comment period ends. This is the “on or about” date in the first sentence of the notice.
	1	The <u>day after</u> OCD receives RROF is 1 st day of the 2 nd comment period.
	2	
	3	
	4	
	5	
	6	
	7	
	8	
	9	
	10	
	11	
	12	
	13	
	14	
	15	Last day for 2nd 15-day comment period to MSHDA must be a business day. If not, allow for an extra day (or two if necessary) for comments.
		<i>Do not fill in the date for this row unless you needed an extra day for comments.</i>
		<i>Do not fill in the date for this row unless you needed an extra 2 days.</i>
	Release date	Day after the 2 nd 15-day comment period is the release date. Grantee may begin incurring (signing contracts) project costs.
		You may expect to receive notice of ROF date on Intelligrants and by mail. DO NOT ASSUME this is the date until you actually receive verification from OCD (Intelligrants or U.S. mail).
		The Release Date does not have to be a business day, but it must not be a federal holiday. (Go figure.)

¹ Enter the date of publication in the first line of this form and complete the column with the consecutive dates that apply to a particular publication. See the completed Sample.

**Counting the Days for Combined Notice
Sample for Publication Dated August 22, 2004**

DATES	COUNT	COMMENTS
Aug 22, 2004	Publication	Day of publication – save the entire page (tear sheet) of the article
8/23	1	The <u>day after</u> publication is the 1 st day of the first comment period.
8/24	2	There must be 15 full days allowed for comments to local govt.
8/25	3	
8/26	4	
8/27	5	
8/28	6	
8/29	7	
8/30	8	
8/31	9	
9/1	10	
9/2	11	
9/3	12	
9/4	13	
9/5	14	
9/6	15	The 15 th day must be a business day; 9/6 is not, it's Labor Day.
9/7	16	So, day 16 is also reserved for comments since 15 th day was a holiday.
9/8	On or about day	Fax & mail Combined Notice to CD Specialist the <u>day after</u> comment period ends. September 8 is the "on or about" date in the first sentence.
9/9	1	The <u>day after</u> OCD receives RROF is 1 st day for 2 nd comment period.
9/10	2	The next 15-day comment period for combined notice runs from Thurs, Sep 9 – Mon, Sep 23. Comments to MSHDA this time.
9/11	3	
9/12	4	
9/13	5	
9/14	6	
9/15	7	
9/16	8	
9/17	9	
9/18	10	
9/19	11	
9/20	12	
9/21	13	
9/22	14	
9/23	15	End of 2 nd comment period (to MSHDA). This must be a business day.
9/24	Release date	Day after the end of 2nd comment period is release date; the date grantee may begin incurring (signing contracts) project costs.
		You may expect to receive notice of ROF date on Intelligrants and by mail. DO NOT ASSUME this is the date until you actually receive verification from OCD (Intelligrants or U.S. mail).
		The Release Date does not have to be a business day, but it must not be a federal holiday. (Go figure.)

Counting the Days on NOI/RROF

DATES ¹	COUNT	COMMENTS
	Publication	Day of publication – save the entire page of paper w/ article
	1	The <u>day after</u> the publication is 1 st day of the first comment period.
	2	There must be 7 full days allowed for comments to local govt.
	3	
	4	
	5	
	6	
	7	The 7 th day must be a business day. If not, allow another day (or two, if necessary) for comments.
		<i>Do not fill in the date for this row unless you needed an extra day for comments.</i>
		<i>Do not fill in the date for this row unless you needed an extra 2 days.</i>
	On or about day	Fax & mail Combined Notice to CD Specialist the <u>day after</u> 1 st comment period ends. This is the “on or about” date in the first sentence of the notice.
	1	The <u>day after</u> OCD receives RROF is 1 st day of 2 nd comment period.
	2	
	3	
	4	
	5	
	6	
	7	
	8	
	9	
	10	
	11	
	12	
	13	
	14	
	15	Last day for 15-day comment period to MSHDA. This must be a business day. If not, allow for an extra day (or two if necessary) for comments.
		<i>Do not fill in the date for this row unless you needed an extra day for comments.</i>
		<i>Do not fill in the date for this row unless you needed an extra 2 days.</i>
	Release date	<u>Day after</u> the 2 nd comment period ends is the release date. Grantee may begin incurring (signing contracts) project costs.
		You may expect to receive notice of ROF date on Intelligrants and by mail. DO NOT ASSUME this is the date until you actually receive verification from OCD (Intelligrants or U.S. mail).
		The Release Date does not have to be a business day, but it must not be a federal holiday. (Go figure.)

¹ Enter the date of publication in the first line of this form and complete the column with the consecutive dates that apply to a particular publication. See the completed Sample.

Counting the Days on NOI/RROF
Sample for Publication Dated November 17, 2004

DATES¹	COUNT	COMMENTS
Nov. 17, 2004	Publication	Day of publication – save the entire page of paper w/ article
11/18	1	The <u>day after</u> the publication is 1 st day of the first comment period.
11/19	2	There must be 7 full days allowed for comments to local govt.
11/20	3	
11/21	4	
11/22	5	
11/23	6	
11/24	7	The 7 th day must be a business day. If not, allow another day (or two, if necessary) for comments. Nov. 24 is a business day.
		<i>Do not fill in the date for this row unless you needed an extra day for comments.</i>
		<i>Do not fill in the date for this row unless you needed an extra 2 days.</i>
11/26 —(The 25 th is not a business day)	On or about day	Fax & mail Combined Notice to CD Specialist the <u>day after</u> 1 st comment period ends. This is the “on or about” date in the first sentence of the notice. The “on or about” day must be a business day. The 25 th of Nov. is Thanksgiving; this date must be the 26 th in this instance.
11/27	1	The <u>day after</u> OCD receives RROF is 1 st day of 2 nd comment period.
11/28	2	
11/29	3	
11/30	4	
12/1	5	
12/2	6	
12/3	7	
12/4	8	
12/5	9	
12/6	10	
12/7	11	
12/8	12	
12/9	13	
12/10	14	
12/11	15	Last day for 2nd comment period to MSHDA. This must be a business day. If not, allow for an extra day (or two if necessary) for comments.
		<i>Do not fill in the date for this row unless you needed an extra day for comments.</i>
		<i>Do not fill in the date for this row unless you needed an extra 2 days.</i>
Dec. 12, 2004	Release date	<u>Day after</u> the 2 nd comment period ends is the release date. Grantee may begin incurring (signing contracts) project costs.
12/12 is not a business day; but that's OK		You may expect to receive notice of ROF date on Intelligrants and by mail. DO NOT ASSUME this is the date until you actually receive verification from OCD (Intelligrants or U.S. mail).
-- it's not a fed holiday.		The Release Date does not have to be a business day, but it must not be a federal holiday. (Go figure.)

¹ Enter the date of publication in the first line of this form and complete the column with the consecutive dates that apply to a particular publication. See the completed Sample.

**Environmental Clearance of Down Payment Assistance Projects and Other
Categorically Excluded Activities not subject to Sec. 58.5 authorities**

All properties receiving Down Payment Assistance are required to receive clearance under 24 CFR 58.6. The clearance is completed property-by-property and does not invoke the procedures for publication and release of funds described elsewhere under 24 CFR 58. HOME grantees must complete the following checklist for every property receiving HOME down payment assistance funds. The completed checklist must be kept in the property file.

NOTE: This checklist is required for any unit assisted with federal funds, regardless of its classification, if the unit is located in a floodplain or runway clear zone. There are no Coastal Barriers in Michigan.

Grantee _____ Grant # _____

Subject Property Address _____

1. Floodplains

- a. Is the property located in an area identified by FEMA as having a special flood hazard?

If "yes," go to b,
If "no," go to 2.

Yes____ No ____

- b. If "yes," does the community participate in the National Flood Insurance Program, or has less than a year passed since FEMA notification regarding such hazards, and has flood insurance been obtained on the property?

If "yes," go to 2,
If "No," STOP HERE

Yes____ No____

2. Runway Clear Areas.

- a. Is the property located in a Runway Clear Zone or Clear Zone?

If "yes," go to b,
If "no," go to 3.

Yes____ No____

- b. If "yes," has the buyer been advised that the property is in a Runway Clear Zone or Clear Zone, the implications of such a location, and that there is a possibility that the property may, at a later date, be acquired by the airport operator, and has the buyer signed a statement acknowledging receipt of this information?

If "yes," go to 3,
If "no," STOP HERE.

Yes____ No____

3. Certification. I certify that this project is in compliance with the requirements of 24 CFR 58.6, as described above.

Name: _____ (Signature)

Title: _____ Date _____

Environmental Assessment Checklist

P. 1

Project Name and Identification No.

Impact Categories	1 No Impact Anticipated	2 Potentially Beneficial	3 Potentially Adverse Requires Documentation Only	4 Potentially Adverse Requires More Study	5 Needs Mitigation	6 Requires Project Modification	7 Source or Documentation (Note date of contract or page reference) Additional material may be attached
Land Development							
Conformance with Comprehensive Plans and Zoning							
Compatibility and Urban Impact							
Slope							
Erosion							
Soil Suitability							
Hazards and Nuisances, including Site Safety							
Energy Consumption							
Noise							
Effect of Ambient Noise on Project and Contribution to Community Noise Level							
Air Quality							
Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels							
Environmental Design and Historic Values							
Visual Quality--Coherence, Diversity, Compatible Use, and Scale							
Historic, Cultural, and Archeological Resources							

Environmental Assessment Checklist

P. 2

Project Name and Identification No.

Impact Categories	1 No Impact Anticipated	2 Potentially Beneficial	3 Potentially Adverse Requires Documentation Only	4 Potentially Adverse Requires More Study	5 Needs Mitigation	6 Requires Project Modification	7 Source or Documentation (Note date of contract or page reference) Additional material may be attached
Socioeconomic							
Demographic/Character Changes							
Displacement							
Employment and Income Patterns							
Community Facilities and Services							
Educational Facilities							
Commercial Facilities							
Health Care							
Social Services							
Solid Waste							
Waste Water							
Storm Water							
Water Supply							

Environmental Assessment Checklist

P. 3

Project Name and Identification No.

Community Facilities and Services (Continued)							
Public Safety: Police							
Public Safety: Fire Protection							
Public Safety: Emergency Medical							
Open Space							
Recreation							
Cultural Facilities							
Transportation							
Natural Features							
Water Resources							
Surface Water							
Floodplains							
Wetlands							
Coastal Zone							
Unique Natural Features and Agricultural Lands							
Vegetation and Wildlife							

Environmental Assessment Checklist

P. 4

Project Name and Identification No.

Summary of Findings and Conclusions:

Summary of Environmental Conditions:

Project Modifications and Alternatives Considered:

Additional Studies Performed: (Attach study or summary)

Mitigation Measures Needed:

Environmental Assessment Checklist

P. 5

Project Name and Identification No.

Conclusions:

1. Is project in compliance with applicable laws and regulations?
☐ Yes ☐ No
2. Is an Environmental Impact Statement Required?
☐ Yes ☐ No
3. Can a Finding of No Significant Impact (FONSI) be made? (Project will not significantly affect the quality of the human environment.)
☐ Yes ☐ No

This Environmental Assessment was prepared by:

NAME

TITLE

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Date:

Additional Notes:

Env. Assessment Checklist Sample

P. 1

Project Name and Identification No.

Impact Categories	1 No Impact Anticipated	2 Potentially Beneficial	3 Potentially Adverse Requires Documentation Only	4 Potentially Adverse Requires More Study	5 Needs Mitigation	6 Requires Project Modification	7 Source or Documentation (Note date of contract or page reference) Additional material may be attached
Land Development							
Conformance with Comprehensive Plans and Zoning							Project is appropriately zoned C-1, Multi-Family Walk-up. Letter on file from Zoning Adm. dated 2/28/96. Meets Comprehensive Plan Residential Goals 4, 5, & 8.
Compatibility and Urban Impact							Project will continue upgrading of underdeveloped area of mixed uses adjacent to CBO by adding 30 new apartments. (See Carriage Town Plan.)
Slope							No slopes, estimated fall of 2-3 feet across site. (See 8/2/96 letter from developer's architect.)
Erosion							Designed to overcome any potential. (See developer's architect's letter of 8/2/96.)
Soil Suitability							See PSI Soils Exploration and Foundation recommendations 11/25/91 and architect's letter of 8/2/96.
Hazards and Nuisances, including Site Safety							See Fire Marshall's letter of 7/28/96.
Energy Consumption							See Consumer Power Co. letter 3/25/96. Site is 60' from transit line & near shopping, services and employment. Bldg. plan meet or exceed HUD minimum standard. (See architect's letter 7/19/96).
Noise							
Effect of Ambient Noise on Project and Contribution to Community Noise Level							Not in airport clear zone (Airport Master Plan). See Worksheet C Noise Assessment. Project will have double pane windows, central air and partial brick exterior.
Air Quality							
Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels							Residential project will not affect or be affected by air quality. (See DEQ report 11/96). Geographic Designation of Attainment Status. Project has central air.
Environmental Design and Historic Values							
Visual Quality--Coherence, Diversity, Compatible Use, and Scale							Project design compatible to and in scale with the area. Planned landscaping, lighting and signs will add to area attractiveness and be in character with historic district. (See Historic District Certification 1/9/96.)
Historic, Cultural, and Archeological Resources							Letters attached from Michigan Bureau of History 7/27/96 and Advisory Council on Historic Preservation 8/17/96.

Environmental Assessment Checklist

P. 2

Project Name and Identification No.

Impact Categories	1 No Impact Anticipated	2 Potentially Beneficial	3 Potentially Adverse Requires Documentation Only	4 Potentially Adverse Requires More Study	5 Needs Mitigation	6 Requires Project Modification	7 Source or Documentation (Note date of contract or page reference) Additional material may be attached
Socioeconomic							
Demographic/Character Changes							Project will not change the low-moderate income nature of the neighborhood. Tract 28 median household was \$11,607 in 1990 vs. a project range of \$5,860 to \$25,080 in 1996.
Displacement							Project site is vacant land. No dislocation of people, businesses, institutions or community facilities will result.
Employment and Income Patterns							Project will create 3 permanent and 20 construction jobs. (See Management Systems letter dated 7/19/96 and Lockwood 7/19/96). Residents to be entry level works and some retirees.
Community Facilities and Services							
Educational Facilities							Primary and secondary schools, UM-F within one-half mile, MCC within 1-1/2 miles. GMI within one mile. Maximum 25 children in project would have school space with declining enrollments. Busing available.
Commercial Facilities							Grocery and drug store within half mile. Downtown entertainment and shopping, services within one-half mile.
Health Care							Hurley Medical center within one-half mile in/out patient, including maternal, neonatal, pediatrics, trauma, cancer, coronary, psychiatric, substance abuse, kidney dialysis, burns & neurological. Adjacent gerontology.
Social Services							More than 200 private nonprofit and government services agencies are located in Flint. Six churches within one-half mile. There is access to and reasonable services for the development.
Solid Waste							Project will have private disposal contract. Flint area has adequate borrowed landfill capacity.
Waste Water							Project will be tied to city sewer system with adequate capacity to service the project. (See Dept. Of Public Works (DPW) letter of 8/26/96).
Storm Water							Project will be tied to city sewer system with adequate capacity to service the project. (See DPW letter of 8/26/96).
Water Supply							City has adequate existing & separate storm water system to service the project. (See DPW letter of 8/26/96)

Environmental Assessment Checklist

P. 3

Project Name and Identification No.

Community Facilities and Services (Continued)

Public Safety: Police							Project location has adequate access to police-station located within one mile. Project will have fencing & first level security alarms.
Public Safety: Fire Protection							Project has adequate fire services. 2 stations are within 1 mile. Hydrants within 5 feet. Bldg. has partial brick fence.
Public Safety: Emergency Medical							Medical center within ½ mile. All response system in use.
Open Space							Municipal park located within 500 feet.
Recreation							YMCA & YWCA located with 2/3 mile. U of M recreation bldg. within ½ mile. Project to include tot lot (See 1.2 of architectural drawings.)
Cultural Facilities							Cultural Center with art institute, public library, music & dance institute, museum, theaters and planetarium located 1-1/2 mile. UM-F with library & theater ½ mile, Children's Museum within 1 mile.
Transportation							Facilities & services are adequate. Public transportation 600'. Dial-a-ride available for elderly and handicapped. Streets & sidewalks adequate. Site will have ramps & handicapped spaces. (See architect's drawing #62).

Natural Features

Water Resources							Project will not affect ground water. (See PSI Soil & Foundation Evaluation).
Surface Water							Municipal storm water system will carry site water run off. (See Flint DPW letter of 8/26/96).
Floodplains							FEMA map parcel 260076-0005C 1/1/1981
Wetlands							Pursuant to visit by preparer on 7/21/96 no wetland or wetland vegetation observed on site. DEQ letter of 8/12/96 received.
Coastal Zone							See DEQ letter of May 6, 1996
Unique Natural Features and Agricultural Lands							Pursuant to visit by preparer on 7/21/96 no unique natural features observed on site. See DEQ-MIRIS Agricultural map of 6/27/90 attached.
Vegetation and Wildlife							See attached MIRIS map on Woodlands. See DEQ Fisheries letter of 7/23/96. See DEQ Endangered Species letter of 7/23/96

Environmental Assessment Checklist

P. 4

Project Name and Identification No.

Summary of Findings and Conclusions:

The proposed residential project upgrades and infills underdeveloped downtown neighborhood with an architectural design enhancing a historic district. The project will employ three people, create 20 construction jobs and provide apartments for 30 households, some of which will have children enrolled in primary and secondary schools with declining enrollments. Residents may also attend nearby colleges and work at downtown entry level jobs.

Summary of Environmental Conditions:

The site has 1000 to 2000 cubic yards of heavy petroleum based compound (PNA) impacted soils along its southern edge which will be removed during construction to a proper disposal facility. The "MDNR Mere Operational Memorandum #8, Revision 1, Type B Criteria Rules" and "Guidance for Determining Adequacy of Soil Remediation" will be met as per proposed correctional action. Plan attached in Soil Remediation tab. The site and development meet guidelines for all environmental conditions as evidenced in the enclosed attachments.

Project Modifications and Alternatives Considered:

The site was chosen over other sites because of its low acquisition costs at \$6,666 per acre location in Carriage Town Historic District and in close proximity to downtown. The nonprofit developer, FCDC, operates housing programs only in the Carriage Town historic district. An alternative site to the south of the proposed site is privately-owned and priced in excess of \$100,000 per acre. No other cleared site in Carriage Town are suitable size. Project size at 30 apartments was determined by 1) site size at 1.5 acres, 2) a market study of July 1996 which concluded that 30 units should be absorbed within a short time after market entry and not to exceed six months, 3) design compatibility with the historic neighborhood, and 4) the MSE Neighborhood Preservation Program restrictions of no more than 30 units.

Additional Studies Performed: (Attach study or summary)

(See following.)

- *1996 Comprehensive Plan of Policies for Development for the City of Flint
- *Carriage Town Study
- *Soils exploration and Foundations Recommendations for the Proposed Carriage Town Square Apartments, Flint, MI
- *CMES Corrective Action Plan (for soils)
- *Roadway Noise Worksheet C
- *DEQ Geographical Designation of Attainment Status (for air)

- *Market Feasibility Assessment - Carriage Town Square Apartments

Mitigation Measures Needed:

Removal of 1000 to 2000 sq. yards of soil contaminated with heavy petroleum based compounds to a proper disposal facility and a subsurface barrier installed on southern boundary of site against offsite soils will occur through a Corrective Action Plan (CAP) without objection by the Michigan Department of Environmental Quality letter dated 8/9/96. The DEQ letter and CAP plan are enclosed under the Soils Remediation tab.

Environmental Assessment Checklist

P. 5

Project Name and Identification No.

Conclusions:

1. Is project in compliance with applicable laws and regulations?
☒ Yes ☐ No
2. Is an Environmental Impact Statement Required?
☐ Yes ☒ No
3. Can a Finding of No Significant Impact (FONSI) be made? (Project will not significantly affect the quality of the human environment.)
☐ Yes ☐ No

This Environmental Assessment was prepared by:

NAME

TITLE

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Date:

Additional Notes:

Project Address: _____ Project Number _____

Environmental Checklist
For Project Files

The federally funded HOME and CDBG Programs require an environmental review. If all the answers to the following questions are not applicable to the **proposed rehabilitation project** or reflect compliance with federal environmental standards, then the **proposed rehabilitation project** is considered **exempt** from further environmental action.

However, if you answer **yes** to any of the following questions, additional environmental procedures **must take place**. **Please contact your MSHDA representative immediately if you have questions**; any further processing of this project application for HOME/CDBG rehabilitation assistance, should be suspended.

Environmental Review Questions

If the activity consists of 5 or more units, separated by more than 2,000 feet then begin questions. Otherwise, refer to the Environmental Assessment tab.

	Yes	No
1. Is the property in a 100 year flood plain?	_____	_____
If no, note panel #: _____; and date of panel: _____.		
(Attach copy of a flood plain map, noting site.)		
*If yes, is flood insurance currently purchased? If yes, continue.		
2. Is the property within 500 feet from one of the five Michigan Great Lakes?	_____	_____
If no, how many feet/miles: _____.		
3. Is the property within 500 feet from a Michigan designated Wild and Scenic River?	_____	_____
If no, how many feet/miles: _____.		
4. Is the property historically significant? If the subject property is 50 years old or older, the State Bureau of History must be contacted in writing for their opinion. Your letter and a copy of the Bureau's response identifying no historic significance or the proposed rehabilitation will have no effect on the historic significance of the property, must be included in the project file. Date of SHPO response: _____.	_____	_____
5. Are you excluding weatherization improvements from the proposed rehabilitation? If yes, then complete the attached Noise Determination Checklist.	_____	_____
6. Do any man-made hazards exist (e.g. underground tanks, above-ground hazards, asbestos, etc.)?	_____	_____

***An annual review is necessary to ensure that flood insurance is maintained for the life of the improvement or financial interest in the property.**

Name of Person Completing Checklist

Title

Date

Sample Mailing List To Interested Parties

<u>Person/Agency</u>	<u>Area of Expertise</u>
Mayor Robert Warren City of Muskegon Heights 2724 Peck Street Muskegon Hts., MI 49444	Neighboring Locality
Mayor James W. Pruijm City of Muskegon 933 Terrace Street Muskegon, MI 49444	Neighboring Locality
Mayor Sabina Freeman City of North Muskegon 1502 Ruddiman Drive North Muskegon, MI 49445	Neighboring Locality
Wet Michigan Shoreline Regional Development Commission ATTN: Mr. Sandeep Dey, Director PO Box 387 Muskegon, MI 49443-0387	Regional Issues
Terry Grevious, Director Muskegon County Airport 99 Sinclair Drive Muskegon, MI 49441	Airport Clear Zones Noise Hazards
Muskegon County Health Department Health Hazards 1611 Oak Avenue Muskegon, MI 49442	Potential Health Hazards
Muskegon County Road Commission 7700 E. Apple Avenue Muskegon, MI 49442	Transportation Public Infrastructure
U.S. Environmental Protection Agency 77 West Jackson Blvd. Chicago, IL 60604	General Oversight
Michigan Department of Labor and Economic Growth Office of Federal Grants PO Box 30225 Lansing, MI 48909	General Oversight

Ms. Marcia Aslakson
Muskegon Area Fair Housing Center
1330 Fifth Street
Muskegon, MI 49441

Fair Housing Initiatives

CD Specialist
MSHDA
PO Box 30044
Lansing, MI 48909

State Program Funding

Media

Channel 40
4237 Airline Road
Muskegon, MI 49444

WZZM – TV 13
645 3 Mile Road NW
Grand Rapids, MI 49504

WOOD – TV 8
120 College SE
Grand Rapids, MI 49503

TCI Cablevision
700 W. Broadway Avenue
Muskegon, MI 49444

Neighboring List

June Holcomb
Sheldon Park Neighborhood Association
1086 Oak Grove Street
Muskegon, MI 49442

Kathy Martin, Director
McLaughlin Neighborhood
PO Box 244
Muskegon, MI 49443-0244

David J. Kolb
NIMS Neighborhood Association
908 Ireland Avenue
Muskegon, MI 49441

Mike McDonald
Glenside Neighborhood
2337 Westwood Street
Muskegon, MI 49441

Date of distribution:_____

Signed:_____

Title:_____

NOISE DETERMINATION CHECKLIST

This checklist must be in each project file if a HOME or CDBG assisted rehabilitation or new construction project will not include weatherization.

Applicant Name: _____

Project Address: _____

- | | | |
|--|------------------------------|-----------------------------|
| 1. Is the unit more than 1,000 feet from a major roadway? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2. Is the unit more than 3,000 feet from an active railway? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3. Is the unit more than 15 miles from an airport that is regularly
used by commercial jet planes for passenger assistance? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

If the answer to the above three questions is yes, noise determination is not necessary. If the answer to any of the above questions is "no", please continue with the checklist.

4. Will the property meet minimum energy standards after rehabilitation?
(Minimum energy standards means wall and ceiling insulation, two panes
of glass in each window, and storm doors or insulated steel doors at each
exit.) IF YES, STOP HERE. Yes ☐ No ☐

If the answer is "no" to 4, please continue.

5. What is the maximum assistance level the applicant qualifies for? \$ _____
6. What is the project cost of the proposed improvements? \$ _____
7. What level of improvement is the property required to meet after rehabilitation?
HQS ☐ BOCA ☐ Other ☐ _____
8. Is there insufficient assistance available to mitigate noise? Yes ☐ No ☐
If yes, were all proposed improvements directly code related? Yes ☐ No ☐

If no, complete a Noise Assessment, as identified in the "Noise Guide Book" (HUD-953-CPD)

Prepared By: _____ Date: _____

SAMPLE NOTICE
For Government Agencies receiving CDBG funds
(Edit bolded information as appropriate.)

April 28, 2003

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

Spartan Township
287 Rose Avenue
Green City, Michigan 48794

On or about **April 23, 2003** the above named **Township** will request the Michigan State Housing Development Authority (MSHDA) to release Federal funds under Title I of the Housing and Community Development Act of 1974 for the following project:

Homeowner Rehabilitation Program
\$200,000

The Spartan Township 2003 CDBG Homeowner Rehabilitation Program will assist in the rehabilitation of 8 single-family, owner-occupied homes by the Township at a per unit cost of \$25,000 for a total CDBG program cost of \$200,000. These home are located in the Olsen Heights subdivision and the assistance will be limited to families with low and moderate incomes. The rehabilitation effort will bring these homes into compliance with HUD's Housing Quality Standards in addition to addressing local code items. The assistance will be in the form of an interest free loan from the Township to be repaid on the sale or title transfer of the property.

An Environmental Review Record respecting the aforementioned project has been made by the above named **Township** which documents the environmental review of the project. This Environmental Review Record is on file at **Spartan Township, 287 Rose Avenue, Room 210, Green City, MI 48794**. The records are available for public examination and copying upon request between the hours of 8 a.m. and 5 p.m., Monday through Friday. Please contact **Dave Jones at (517) 373-1972** for further information.

Spartan Township will undertake the project described above with CDBG funds, with Title I of the Housing and Community Development Act of 1974. **Spartan Township** is certifying to the State of Michigan that **Spartan Township** and **Virginia White**, in her official capacity as **Township Supervisor**, consent to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision making, and action; and that these responsibilities have been satisfied. The legal effect of the certification is that upon its approval, **Spartan Township** may use the CDBG funds, and HUD will have satisfied its responsibilities under the National Environmental Policy Act of 1969.

MSHDA will accept an objection to its approval of the release of funds and acceptance of the certification only if it is on one of the following bases: (a) that the certification was not in fact executed by the chief executive officer or other officer of applicant approved by HUD; or (b) that applicant's environmental review record for the project indicates omission of a required decision finding or step application to the project in the environmental review process; or (c) other specific grounds in HUD regulations at 24 CFR Part 58.75. Objections must be prepared and submitted in accordance with the required procedure (24 CFR Part 58), and may be addressed to Carolyn Cunningham, MSHDA at P.O. Box 30044, Lansing, Michigan 48909.

Objections to the release of funds on bases other than those stated above will not be considered by MSHDA. No objection received after **May 8, 2003** will be considered by MSHDA.

SAMPLE NOTICE
For Government Agencies using HOME funds
(Edit bolded information as appropriate.)

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

April 28, 2003

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

Spartan Township
287 Rose Avenue
Green City, Michigan 48794

On or about **April 23, 2003** the above named **Township** will request the Michigan State Housing Development Authority (MSHDA) to release Federal funds under Title II (HOME Investment Partnership Act) of the Cranston-Gonzalez National Affordable Housing Act of 1990 for the following project:

Acquisition/Development/Resale Homebuyer Program
\$233,000

The Spartan Township 2003 HOME Acquisition/Development/Resale Homebuyer Program will assist in the acquisition, development and resale of 3 single-family housing units by the Township at a per unit cost of approximately \$70,000 for a total CDBG program cost of \$210,000. The units to be purchased are located in the Olsen Heights neighborhood and the assistance will be limited to families with low and moderate incomes (80% of area median income). The rehabilitation effort will bring these homes into compliance with HUD's Housing Quality Standards in addition to addressing local code items. Administrative funds are included in the total program amount of \$233,000.

An Environmental Review Record respecting the aforementioned project has been made by the above named **Township** which documents the environmental review of the project. This Environmental Review Record is on file at **Spartan Township, 287 Rose Avenue, Room 210, Green City, MI 48794**. The records are available for public examination and copying upon request between the hours of 8 a.m. and 5 p.m., Monday through Friday. Please contact **Dave Jones at (517) 373-1972** for further information.

Spartan Township will undertake the project described above with HOME funds under Title II (HOME Investment Partnership Act) of the Cranston-Gonzalez National Affordable Housing Act of 1990. **Spartan Township** is certifying to the State of Michigan that **Spartan Township** and **Virginia White**, in her official capacity as **Township Supervisor**, consent to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision making, and action; and that these responsibilities have been satisfied. The legal effect of the certification is that upon its approval, **Spartan Township** may use the HOME funds, and HUD will have satisfied its responsibilities under the National Environmental Policy Act of 1969.

MSHDA will accept an objection to its approval of the release of funds and acceptance of the certification only if it is on one of the following bases: (a) that the certification was not in fact executed by the chief executive officer or other officer of applicant approved by HUD; or (b) that applicant's environmental review record for the project indicates omission of a required decision finding or step application to the project in the environmental review process; or (c) other specific grounds in HUD regulations at 24 CFR Part 58.75. Objections must be prepared and submitted in accordance with the required procedure (24 CFR Part 58), and may be addressed to Carolyn Cunningham, MSHDA at P.O. Box 30044, Lansing, Michigan 48909.

Objections to the release of funds on bases other than those stated above will not be considered by MSHDA. No objection received after **May 8, 2003** will be considered by MSHDA.

SAMPLE NOTICE
For Nonprofit Agency using HOME funds
(Edit all bolded information as appropriate.)

April 15, 2003

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

MSHDA
P.O. Box 30044
Lansing, MI 48909
Phone: (517) 373-3309

On or about **May 7, 2003** the Michigan State Housing Development Authority (MSHDA) will request the U.S. Department of Housing and Urban Development to release Federal funds under Title II (the HOME Investment Partnership Act) of the Cranston-Gonzalez National Affordable Housing Act of 1990 for the following project:

Acquisition / Development / Resale Program
\$250,000

The Spartan Non-Profit Agency 2003 HOME Acquisition / Development / Resale Program is designed to acquire and rehabilitate vacant or other substandard single family houses for resale to low and moderate income households (incomes below 80% of the area median) to meet local code and the Section 8 Existing Housing Quality Standards. Assistance will be provided from the time costs are reported to MSHDA until the property is sold to an eligible family. At the time of the sale, all proceeds of the sale except approved administrative costs will be repaid to MSHDA. The budget for this program is \$250,000. It is estimated that 10 units will be rehabilitated.

An Environmental Review Record respecting the aforementioned project has been made by the **Spartan Non-Profit Agency** which documents the environmental review of the project. This Environmental Review Record is on file at **Spartan Non-Profit Agency, 1237 Rose Avenue, Green City, MI 48794**. The records are available for public examination and copying upon request between the hours of **8 a.m. and 5 p.m., Monday through Friday**. Please contact **Dave Jones of Spartan Non-Profit Agency at (906) 482-1972** for further information.

Spartan Non-Profit Agency will undertake the project described above with HOME funds, under Title II of the National Affordable Housing Act of 1990. MSHDA is certifying to HUD that Bruce Jeffries, in his official capacity as the Certifying Officer of MSHDA, consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision-making, and action; and that these responsibilities have been satisfied. The legal effect of the certification is that upon its approval, **Spartan Non-Profit Agency** may use the HOME funds, and the State of Michigan will have satisfied its responsibilities under the national Environmental Policy Act of 1969.

HUD will accept an objection to its approval of the release of funds and acceptance of the certification only if it is on one of the following bases: (a) that the certification was not in fact executed by the chief executive officer or other officer of applicant approved by HUD; or (b) that applicant's environmental review record for the project indicates omission of a required decision, finding, or step applicable to the project in the environmental review process; or (c) other specific grounds in HUD regulations at 24 CFR Part 58.75. Objections must be prepared and submitted in accordance with the required procedure (24 CFR Part 58), and may be addressed to Cynthia Washington, HUD Detroit Area Office, 477 Michigan Avenue, Detroit, MI 48226.

Objections to the release of funds on bases other than those stated above will not be considered by HUD. No objection received after **May 22, 2003** will be considered by HUD.

SAMPLE RELEASE LETTER
(Edit all bolded information as appropriate.)

TODAY'S DATE

Joe Grantee
Local County
123 Main
City, MI 00000

Re: Environmental Release Letter for **MSC 2000-9999-HOA**

Dear **Joe Grantee**:

Local County has met all the Environmental Review requirements of 24 CFR Part 58 for the **2000 CDBG** Housing Resource Fund (HRF) grant **MSC 2000-9999-HOA**.

Local County is authorized to incur CDBG grant and other program costs as of 4/16/00. However, all pre-disbursement conditions must be satisfied before MSHDA is able to disburse grant funds to your agency.

Should you have any questions, please contact me at **(517) 335-0000**.

Sincerely,

Stephanie Specialist
Community Development Specialist
Office of Community Development

Cc: Jacquelyn Williams-Armstrong, Director, Housing Resource Fund
Carolyn Cunningham, Program Specialist

(Sample RROF for Government using CDBG funds)
**MICHIGAN HOME INVESTMENT PARTNERSHIP
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY**

REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION

Pursuant to Title I of the Housing and Community Development Act of 1974

1. NAME OF APPLICANT City of Spartan	2. GRANT NUMBER M2001-1001
3. APPLICANT'S ADDRESS 287 Rose Avenue, Room 210 Spartan, Michigan 48794	4. DATE OF REQUEST/CERTIFICATION September 7, 2001

5. REQUEST FOR RELEASE OF FUNDS. Release of approved grant funds for the following project is requested:

PROJECT: **Homeowner Rehabilitation Program (\$200,000)**

PROJECT DESCRIPTION: **The City of Spartan's 2001 city-wide CDBG program will rehabilitate approximately 8 single-family residential units that will meet Spartan's local housing standards (BOCA) and will benefit households with income at or below 80% of the area median income for Spartan County. Assistance is offered in the form of a deferred loan due upon sale of the property or transfer of title.**

6. CERTIFICATION. With reference to said projects, it is hereby certified:
- a. That the applicant has at least 8 days prior to submitting this request for release of funds and certification, published in a newspaper of general circulation in the community affected, a notice to the public (a copy of which is attached hereto) in accordance with 24 CFR 58.70;
 - b. That the applicant has fully carried out its responsibilities for environmental review, decision making and action pertaining to the project named in the above request for release of funds;
 - c. That the level of environmental clearance carried out by applicant in connection with said project (___ did) (**X** did not) require preparation and dissemination of an environmental impact statement.
 - d. That the dates upon which all statutory and regulatory time periods for review, comment, or other response or action in regard to the clearance commenced and expired as indicated below; that all such dates which are applicable to the clearance are indicated below; and that with the expiration of each of the time periods indicated below, applicant is in compliance with the requirements of 24 CFR Part 58;
 - e. That the undersigned officer of applicant is authorized to, and does, consent to assume the status of responsible federal official, under the National Environmental Policy Act of 1969, insofar as the provisions of said Act apply to the State of Michigan responsibilities for environmental review, decision making and action assumed and carried out by the applicant; that by so consenting, the undersigned officer of applicant assumes the responsibilities, where applicable, for the conduct of environmental review, decision making, and action as to environmental issues, preparation and circulation of draft and final environmental impact statements, and assumption of lead agency responsibilities for preparation of such statements on behalf of federal agencies when such agencies consent to such assumption;

REQUEST FOR RELEASE OF FUNDS

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ITEM	COMMENCE MO/DAY/YEAR	EXPIRE MO/DAY/YEAR
Notice of Funding of No Significant Impact (FONSI): Publication		
Notice of Intent to Request a Release of funds (NOI/RROF): Publication	8/29/2001	9/6/2001
Combined FONSI/RROF or Concurrent: Publication		
Anticipated State Comment Period	9/8/2001	9/24/2001
Other		
Notice of Intent to File Environmental Impact Statement: Publication		
Draft Environmental Impact Statement: Publication		
Draft IS: Ninety (90) day comment period		
Final IS: Publication		
Final IS: Thirty (30) day comment period		

- f. That the undersigned officer of applicant is authorized to consent personally, and on behalf of the applicant, to accept the jurisdiction of the federal courts, for the enforcement of all the aforesaid responsibilities, and that the undersigned does so consent, on behalf of applicant and of the undersigned, in the official capacity of the undersigned.

(Signature of Officer of Applicant)

Virginia White _____
(Name)

Certifying _____ **Officer** _____
(Title)

287 Rose Avenue, Room 210 _____
Green City, Michigan 48794 _____
(Address)

Note: Section 1001 of Title 18 of the United States Code and Criminal Procedure shall apply to the foregoing certification. Title 18 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

(Sample RROF for Government using HOME funds)
MICHIGAN HOME INVESTMENT PARTNERSHIP
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY

REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION

Pursuant to Title II (the HOME Investment Partnership) of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended through 1992

1. NAME OF APPLICANT City of Spartan	2. GRANT NUMBER M2001-1001
3. APPLICANT'S ADDRESS 287 Rose Avenue, Room 210 Spartan, Michigan 48794	4. DATE OF REQUEST/CERTIFICATION September 7, 2001

5. REQUEST FOR RELEASE OF FUNDS. Release of approved grant funds for the following project is requested:

PROJECT: **Homebuyer: Acquisition/Development/Resale Program, \$350,000**

PROJECT DESCRIPTION: **The City of Spartan's 2001 HOME program will purchase, substantially rehabilitate and resell 4 single-family residential units in the Olsen Heights neighborhood between Main and Maple (N/S) and Briarwood and Connor (W/E). All homes will be brought up to Spartan's local housing standards (BOCA) and will be sold to households with income at or below 80% of the area median income for Spartan County. Assistance is offered in the form of a deferred loan due upon sale of the property or transfer of title, with a second mortgage for the amount of the homebuyer subsidy to be forgiven after 5 years.**

6. CERTIFICATION. With reference to said projects, it is hereby certified:

- a. That the applicant has at least 8 days prior to submitting this request for release of funds and certification, published in a newspaper of general circulation in the community affected, a notice to the public (a copy of which is attached hereto) in accordance with 24 CFR 58.70;
- b. That the applicant has fully carried out its responsibilities for environmental review, decision making and action pertaining to the project named in the above request for release of funds;
- c. That the level of environmental clearance carried out by applicant in connection with said project (___ did) (☒ did not) require preparation and dissemination of an environmental impact statement.
- d. That the dates upon which all statutory and regulatory time periods for review, comment, or other response or action in regard to the clearance commenced and expired as indicated below; that all such dates which are applicable to the clearance are indicated below; and that with the expiration of each of the time periods indicated below, applicant is in compliance with the requirements of 24 CFR Part 58;
- e. That the undersigned officer of applicant is authorized to, and does, consent to assume the status of responsible federal official, under the National Environmental Policy Act of 1969, insofar as the provisions of said Act apply to the State of Michigan responsibilities for environmental review, decision making and action assumed and carried out by the applicant; that by so consenting, the undersigned officer of applicant assumes the responsibilities, where applicable, for the conduct of environmental review, decision making, and action as to environmental issues, preparation and circulation of draft and final environmental impact statements, and assumption of lead agency responsibilities for preparation of such statements on behalf of federal agencies when such agencies consent to such assumption;

REQUEST FOR RELEASE OF FUNDS
AND CERTIFICATION
Page 2

ITEM	COMMENCE MO/DAY/YEAR	EXPIRE MO/DAY/YEAR
Notice of Funding of No Significant Impact (FONSI): Publication		
Notice of Intent to Request a Release of funds (NOI/RROF): Publication	8/29/2001	9/6/2001
Combined FONSI/RROF or Concurrent: Publication		
Anticipated State Comment Period	9/8/2001	9/24/2001
Other		
Notice of Intent to File Environmental Impact Statement: Publication		
Draft Environmental Impact Statement: Publication		
Draft IS: Ninety (90) day comment period		
Final IS: Publication		
Final IS: Thirty (30) day comment period		

- f. That the undersigned officer of applicant is authorized to consent personally, and on behalf of the applicant, to accept the jurisdiction of the federal courts, for the enforcement of all the aforesaid responsibilities, and that the undersigned does so consent, on behalf of applicant and of the undersigned, in the official capacity of the undersigned.

(Signature of Officer of Applicant)

Virginia White_____

(Name)

Certifying_____

Officer_____

(Title)

287 Rose Avenue, Room 210_____

Green City, Michigan 48794_____

(Address)

Note: Section 1001 of Title 18 of the United States Code and Criminal Procedure shall apply to the foregoing certification. Title 18 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

Request for Release of Funds and Certification

OMB No. 2506-0087
(EXP. 11/30/2004)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)		
1. Program Title(s)	2. HUD/State Identification Number (insert year) M SG 260100	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)	5. Name and address of responsible entity MSHDA 735 E. Michigan Avenue P.O. Box 30044 Lansing, Michigan 48909	
6. For information about this request, contact (name & phone number)	7. Name and address of recipient (if different than responsible entity)	
8. HUD or State Agency and office unit to receive request		

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s)	10. Location (Street address, city, county, State)

11. Program Activity/Project Description

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did not require the preparation and dissemination of an environmental impact statement.

4. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public

in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.

5. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.

6. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

7. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.

8. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity Bruce Jeffries	Title of Certifying Officer MSHDA's Certifying Officer Date signed
Address of Certifying Officer MSHDA 735 E. Michigan P.O. Box 30044 Lansing, Michigan 48909	

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient	Title of Authorized Officer
	Date Signed

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

(Sample RROF for Government using CDBG funds)
MICHIGAN HOME INVESTMENT PARTNERSHIP
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY

**REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION FOR ENVIRONMENTAL
ASSESSMENTS**

Pursuant to Title I of the Housing and Community Development Act of 1974

1. NAME OF APPLICANT City of Spartan	2. GRANT NUMBER MSC 2001-1001
3. APPLICANT'S ADDRESS 287 Rose Avenue, Room 210 Spartan, Michigan 48794	4. DATE OF REQUEST/CERTIFICATION September 14, 2004

5. REQUEST FOR RELEASE OF FUNDS. Release of approved grant funds for the following project is requested:

PROJECT: **Homeowner Rehabilitation Program (\$200,000)**

PROJECT DESCRIPTION: **The City of Spartan's 2001 city-wide CDBG program will rehabilitate approximately 8 single-family residential units that will meet Spartan's local housing standards (BOCA) and will benefit households with income at or below 80% of the area median income for Spartan County. Assistance is offered in the form of a deferred loan due upon sale of the property or transfer of title.**

6. CERTIFICATION. With reference to said projects, it is hereby certified:
- a. That the applicant has, at least 16 days prior to submitting this request for release of funds and certification, published in a newspaper of general circulation in the community affected a notice to the public (a copy of which is attached hereto) in accordance with 24 CFR 58.70;
 - b. That the applicant has fully carried out its responsibilities for environmental review, decision making and action pertaining to the project named in the above request for release of funds;
 - c. That the level of environmental clearance carried out by applicant in connection with said project (☐ did) (☒ did not) require preparation and dissemination of an environmental impact statement.
 - d. That the dates upon which all statutory and regulatory time periods for review, comment, or other response or action in regard to the clearance commenced and expired as indicated below; that all such dates which are applicable to the clearance are indicated below; and that with the expiration of each of the time periods indicated below, applicant is in compliance with the requirements of 24 CFR Part 58;
 - e. That the undersigned officer of applicant is authorized to, and does, consent to assume the status of responsible federal official, under the National Environmental Policy Act of 1969, insofar as the provisions of said Act apply to the State of Michigan responsibilities for environmental review, decision making and action assumed and carried out by the applicant; that by so consenting, the undersigned officer of applicant assumes the responsibilities, where applicable, for the conduct of environmental review, decision making, and action as to environmental issues, preparation and circulation of draft and final environmental impact statements, and assumption of lead agency responsibilities for preparation of such statements on behalf of federal agencies when such agencies consent to such assumption;

ITEM	COMMENCE MO/DAY/YEAR	EXPIRE MO/DAY/YEAR
Notice of Funding of No Significant Impact (FONSI): Publication		
Notice of Intent to Request a Release of funds (NOI/RROF): Publication		
Combined FONSI/RROF or Concurrent: Publication	8/29/2004	9/13/2001
Anticipated State Comment Period	9/15/2004	9/29/2004
Other		
Notice of Intent to File Environmental Impact Statement: Publication		
Draft Environmental Impact Statement: Publication		
Draft IS: Ninety (90) day comment period		
Final IS: Publication		
Final IS: Thirty (30) day comment period		

- f. That the undersigned officer of applicant is authorized to consent personally, and on behalf of the applicant, to accept the jurisdiction of the federal courts, for the enforcement of all the aforesaid responsibilities, and that the undersigned does so consent, on behalf of applicant and of the undersigned, in the official capacity of the undersigned.

(Signature of Officer of Applicant)

Virginia White
(Name)

Certifying Officer
(Title)

287 Rose Avenue, Room 210
Green City, Michigan 48794
(Address)

Note: Section 1001 of Title 18 of the United States Code and Criminal Procedure shall apply to the foregoing certification. Title 18 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

(Sample RROF for Government using HOME funds)
MICHIGAN HOME INVESTMENT PARTNERSHIP
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY

REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION FOR ENVIRONMENTAL ASSESSMENT

Pursuant to Title II (the HOME Investment Partnership) of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended through 1992

1. NAME OF APPLICANT City of Spartan	2. GRANT NUMBER M-2004-1001
3. APPLICANT'S ADDRESS 287 Rose Avenue, Room 210 Spartan, Michigan 48794	4. DATE OF REQUEST/CERTIFICATION September 14, 2004

5. REQUEST FOR RELEASE OF FUNDS. Release of approved grant funds for the following project is requested:

PROJECT: **Homebuyer: Acquisition/Development/Resale Program, \$350,000**

PROJECT DESCRIPTION: **The City of Spartan's 2001 HOME program will purchase, substantially rehabilitate and resell 4 single-family residential units in the Olsen Heights neighborhood between Main and Maple (N/S) and Briarwood and Connor (W/E). All homes will be brought up to Spartan's local housing standards (BOCA) and will be sold to households with income at or below 80% of the area median income for Spartan County. Assistance is offered in the form of a deferred loan due upon sale of the property or transfer of title, with a second mortgage for the amount of the homebuyer subsidy to be forgiven after 5 years.**

6. CERTIFICATION. With reference to said projects, it is hereby certified:

- a. That the applicant has at least 16 days prior to submitting this request for release of funds and certification, published in a newspaper of general circulation in the community affected, a notice to the public (a copy of which is attached hereto) in accordance with 24 CFR 58.70;
- b. That the applicant has fully carried out its responsibilities for environmental review, decision making and action pertaining to the project named in the above request for release of funds;
- c. That the level of environmental clearance carried out by applicant in connection with said project (___ did) (☒ did not) require preparation and dissemination of an environmental impact statement.
- d. That the dates upon which all statutory and regulatory time periods for review, comment, or other response or action in regard to the clearance commenced and expired as indicated below; that all such dates which are applicable to the clearance are indicated below; and that with the expiration of each of the time periods indicated below, applicant is in compliance with the requirements of 24 CFR Part 58;
- e. That the undersigned officer of applicant is authorized to, and does, consent to assume the status of responsible federal official, under the National Environmental Policy Act of 1969, insofar as the provisions of said Act apply to the State of Michigan responsibilities for environmental review, decision making and action assumed and carried out by the applicant; that by so consenting, the undersigned officer of applicant assumes the responsibilities, where applicable, for the conduct of environmental review, decision making, and action as to environmental issues, preparation and circulation of draft and final environmental impact statements, and assumption of lead agency responsibilities for preparation of such statements on behalf of federal agencies when such agencies consent to such assumption;

REQUEST FOR RELEASE OF FUNDS
AND CERTIFICATION
Page 2

ITEM	COMMENCE MO/DAY/YEAR	EXPIRE MO/DAY/YEAR
Notice of Funding of No Significant Impact (FONSI): Publication		
Notice of Intent to Request a Release of funds (NOI/RROF): Publication		
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Anticipated State Comment Period	9/15/2004	9/29/2004
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Notice of Intent to File Environmental Impact Statement: Publication		
Draft Environmental Impact Statement: Publication		
Draft IS: Ninety (90) day comment period		
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- f. That the undersigned officer of applicant is authorized to consent personally, and on behalf of the applicant, to accept the jurisdiction of the federal courts, for the enforcement of all the aforesaid responsibilities, and that the undersigned does so consent, on behalf of applicant and of the undersigned, in the official capacity of the undersigned.

(Signature of Officer of Applicant)

Virginia White_____

(Name)

Certifying_____

Officer_____

(Title)

287 Rose Avenue, Room 210_____

Green City, Michigan 48794_____

(Address)

Note: Section 1001 of Title 18 of the United States Code and Criminal Procedure shall apply to the foregoing certification. Title 18 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

Statutory Checklist

Federal Laws and Authorities listed at Sec. 58.5

Project Name and Grant Number _____

Area of Statutory or Regulatory Compliance	Not Applicable to this Project	Consultation Required	Permit Required	Determination of consistency Approvals, Permit Obtained	Conditions and/or Mitigation Action Required	Provide compliance documentation. Additional material may be attached.
Historic Properties						
Floodplain Management						
Wetlands Protection						
Coastal Zone Management						
Water Quality-Aquifers						
Endangered Species						
Wild and Scenic Rivers						
Air Quality						
Farmlands Protection						
Manmade Hazards:						
Thermal/Explosive						
Noise						
Airport Clear Zones						
Toxic Sites						
Environmental Justice						

*Attach evidence that required actions have been taken.

Statutory Checklist

Federal Laws and Authorities listed at Sec. 58.6 and
Permit, Licenses, Forms of Compliance Under Other Laws—Federal, State and Local

Project Name and Grant Number: _____

Other Areas of Statutory and Regulatory Compliance Applicable to Project	Not Applicable to this Project	Consultation Required*	Review Required*	Permits Required*	Determination of consistency Approvals, Permits Obtained*	Conditions and/or Mitigation Actions Required	Provide compliance documentation. Additional material may be attached.
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Federal Requirements

Flood Insurance – 58.6(a)							
Coastal Barriers – 58.6(b)							
Airport Clear Zone Notification --58.6©							
Water Quality							
Solid Waste Disposal							
Fish and Wildlife							

State or Local Statutes (to be added by Responsible Entity)

Prepared by: _____

Title _____

Address: _____

Date: _____

Name of Certifying Officer _____

Certifying Officer Signature _____

Date _____

Statutory Checklist SAMPLE

Federal Laws and Authorities listed at Sec. 58.5

Project Name and Grant Number _____

Area of Statutory or Regulatory Compliance	Not Applicable to this Project	Consultation Required	Permit Required	Determination of consistency Approvals, Permit Obtained	Conditions and/or Mitigation Action Required	Provide compliance documentation. Additional material may be attached.
Historic Properties						In local historic district. (See letter from Michigan Bureau of History dated 7/22/96 and letter from Advisory Council dated 8/17/96.). See SHPO letter of 6/14/96 and National Advisory Council letter of 7/10/96.
Floodplain Management	x					Not in 100 year flood plain per FEMA map panel #260076-0005C.
Wetlands Protection	x					No wetlands observed by prepared 7/21/96. (See DEQ letter of 8/12/96.)
Coastal Zone Management	x					See attached DEQ letter of 5/6/93.
Water Quality-Aquifers	x					None in Michigan per Les Berman, HUD 7/7/93.
Endangered Species	x					No endangered species in Flint. See attached DEQ letter of 7/23/93.
Wild and Scenic Rivers	x					See attached DEQ letter of 7/12/93.
Air Quality	x					Residential use proposed. Ozone – transitional non-attainment. Carbon Monoxide, sulfur dioxide, nitrogen oxide, suspended particulates in attainment (DEQ 11/93 attached).
Farmlands Protection	x					No farmlands in Carriage Town area. See attached MIRIS map from DEQ.
Manmade Hazards: Thermal/Explosive	x					See Flint Fire Dept. letter 7/25/96.
Noise	x					See worksheet C. Roadway Noise, by preparer. Project will have double glazed windows and central air.
Airport Clear Zones	x					Not in clear zone. (See attached map)
Toxic Sites						
Environmental Justice						

*Attach evidence that required actions have been taken.

Statutory Checklist

Federal Laws and Authorities listed at Sec. 58.6 and
Permit, Licenses, Forms of Compliance Under Other Laws—Federal, State and Local

Project Name and Grant Number: _____

Other Areas of Statutory and Regulatory Compliance Applicable to Project	Not Applicable to this Project	Consultation Required*	Review Required*	Permits Required*	Determination of consistency Approvals, Permits Obtained*	Conditions and/or Mitigation Actions Required	Provide compliance documentation. Additional material may be attached.
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Federal Requirements

Flood Insurance – 58.6(a)							
Coastal Barriers – 58.6(b)	x						See attached DEQ letter of 5/6/93
Airport Clear Zone Notification --58.6©	x						Not in clear zone (See attached map).
Water Quality	x						City has adequate sanitary and storm sewer capacity for project (See Dept. of Public Works letter of 7/26/96.)
Solid Waste Disposal			x				Will be handled by private disposal contract after construction.
Fish and Wildlife	x						No fish/wildlife on site (See DEQ letter of 7/23/96).

State or Local Statutes (to be added by Responsible Entity)

Prepared by: _____ Title _____

Address: _____

Date: _____

Name of Certifying Officer _____

Certifying Officer Signature _____ Date _____

REFERENCES

24 CFR 58 – Environmental Review Procedures (Rev. 10-29-03). The regulations are not reprinted here; please reference HUD's website:

<http://www.hud.gov/offices/cpd/energyenviron/environment/lawsandregs/regs/index.cfm#part58>

Storage Tanks, Floodplains, and Publications

National Flood Insurance Program

Asbestos

Guidelines for Consulting with SHPO, Sept. 2002 memo from HUD/SHPO

HUD CPD 01-11 Notice, Issued July 17, 2001: Environmental Review and the HOME Investment Partnerships Program. CPD 01-11 and the attachments are not reprinted here; please reference HUD's website:

<http://www.hud.gov/offices/cpd/lawsregs/notices/2001/01-11.doc>

- Attachment A. Steps to Conducting an Environmental Review
- Attachment B. Classifying HOME Activities According to Environmental Determinations
- Attachment C. Sample Environmental Notices
- Attachment D. Selected Environmentally Useful Web Sites

Michigan Department of Environmental Quality (DEQ), District and Field Office Locations

Environmental Review Procedures 24 CFR Part 58:

Subpart A, Legal Authority, Federal Laws and Authorities Sec.

[58.1](#) Purpose and Applicability.

[58.2](#) Terms, abbreviations and definitions.

[58.4](#) Assumption authority.

[58.5](#) Related Federal laws and authorities.

[58.6](#) Other requirements

Subpart B-General Policy: Responsibilities of Responsible Entities

[58.10](#) Basic environmental responsibility.

[58.11](#) Legal capacity and performance.

[58.12](#) Technical and administrative capacity.

[58.13](#) Responsibilities of the certifying officer.

[58.14](#) Interaction with State, Federal and non-Federal entities.

[58.15](#) Tiering.

[58.17](#) Historic preservation requirements for prior section 17 grants.

[58.18](#) Responsibilities of States assuming HUD responsibilities.

Subpart C- General Policy: Environmental Review Procedures

[58.21](#) Time Periods.

[58.22](#) Limitations on Activities pending clearance.

[58.23](#) Financial assistance for environmental review.

*Subpart D-Environmental Review Process:
Documentation, Range of Activities, Project
Aggregation and Classification*

[58.30](#) Environmental review process.

[58.32](#) Project aggregation

[58.33](#) Emergencies.

[58.34](#) Exempt activities.

[58.35](#) Categorical exclusions.

[58.36](#) Environmental assessments.

[58.37](#) Environmental impact statement determinations.

[58.38](#) Environmental review record.

*Subpart E-Environmental Review Process:
Environmental Assessments (EA's)*

[58.40](#) Preparing the environmental assessment.

[58.43](#) Dissemination and/or publication of the findings of no significant impact.

[58.45](#) Public comment periods.

[58.46](#) Time delays for exceptional circumstances.

[58.47](#) Re-evaluation of environmental assessments and other environmental findings.

*Subpart F-Environmental Review Process:
Environmental Impact Statement Determinations*

[58.52](#) Adoption of other agencies' EISs.

[58.53](#) Use of prior environmental impact statements.

*Subpart G-Environmental Review Process:
Procedures for Draft, Final and Supplemental
Environmental Impact Statements*

[58.55](#) Notice of intent to prepare an EIS.

[58.56](#) Scoping process.

[58.57](#) Lead agency designation.

[58.59](#) Public hearings and meetings.

[58.60](#) Preparation and filing of environmental impact statements.

Subpart H-Release of Funds for Particular Projects

[58.70](#) Notice of intent to request release of funds.

[58.71](#) Request for release of funds and certification.

[58.72](#) HUD or State actions on RROF's and certifications.

[58.73](#) Objections to release of funds.

[58.74](#) Time for objecting.

[58.75](#) Permissible bases for objections.

[58.76](#) Procedure for objections.

[58.77](#) Effect of approval of certification.

**Michigan State Housing Development Authority
Office of Community Development**

STORAGE TANKS, FLOODPLAINS, AND PUBLICATIONS

The following is prepared to answer some of the more common environmental questions from communities and nonprofits participating in the CDBG Housing Program and HOME Program administered by the Michigan State Housing Development Authority (MSHDA).

Storage Tanks

Many of you are participating in homeowner rehabilitation programs or down payment assistance programs for first-time homebuyers. With that in mind, please note that **residential fuel tanks** with a capacity of **1,100 gallons or less are exempt from Underground Storage Tank (UST) Laws**, unless you have conducted business at that residence. In such cases, grantees of HOME and CDBG funds are relieved of any federal requirements with respect to those tanks. (Note: State law parallels federal law in this area.) However, if there is an issue that merits consideration such as known contamination through leaking of underground storage tanks, grantees are required to due diligence and immediately contact the Department of Environmental Quality, Environmental Assistance Division at 1-800-662-9278.

In instances where business was conducted at the residence, and the underground storage tank was used for motor fueling then the storage tank will be fully regulated under the Michigan Underground Storage Tank Rules, promulgated pursuant to Act 423 of the Michigan Public Acts of 1984, being Part 211 of Act 451 of the Michigan Public Acts of 1994, as amended. The tank must be registered and fee must be paid at the time of registration and each year thereafter. Additionally, this tank must be provided with leak detection, and spill protection, and must also be upgraded before December 22, 1998, or corrosion protection and overfill prevention.

If a tank has not been used for more than one (1) year it is required to be removed. When a structure above or near the tank prevents removal, the tank must be filled with an inert solid material. Piping that is permanently removed from service must be emptied of all liquids and sludge, purged and capped, or removed from the ground. Please contact DEQ at the above referenced number for additional information, and/or the local fire chief.

With regard to **aboveground tanks of greater than 100 gallons** in a CDBG or HOME assisted rehabilitation or down payment assistance project please note the following:

Under state law these tanks are regulated by the State Fire Marshall under the Storage and Handling of Flammable and Combustible Liquids Rules, promulgated under Act 207 of the Michigan Public Acts of 1941, as amended. Contact the local fire chief to find out if an inspection is required. An spill of petroleum product into surface or ground water, or the subsurface soils must be reported to the DEQ, Environmental Response Division in Lansing (number referenced above).

Additionally, these tanks are regulated under 24 CFR 51 (c) for determining that projects are located an acceptable separation distance from potential explosions or thermal radiation (fire damage). For assistance in calculating acceptable separation distance please contact your MSHDA Community Development (CD) Specialist.

Floodplains

There are a number of communities which exist today that do not have any floodplain mapping. If there is no floodplain map for the area and the rehabilitation is not a substantial rehabilitation project, then there would be no "Eight Step" requirement and no flood insurance requirement. If the project is new construction or substantial rehabilitation then due diligence would be an issue on the "Eight Step". Again, there would be no requirement for flood insurance if there is no flood map for the area.

Environmental Publication

When publication of a Notice to Public of Request For Release of Funds or a Notice to Public of No Significant Impact on the Environment and Notice to Public of Request For Release of Funds (FONSI) is needed, you must publish in a local newspaper of general circulation. Specifically, this must be a newspaper that the municipality uses for publication of its other legal notices; this obviously would not include the shoppers guide type of circular.

This policy supersedes the memorandum dated July 24, 1995, titled Environmental Concerns, Storage Tanks, Floodplains, and Publications. For clarification on the above or any other environmental issue relating to your MSHDA CD funding, please do not hesitate to contact your CD Specialist.

**Michigan State Housing Development Authority
Office of Community Development**

NATIONAL FLOOD INSURANCE PROGRAM

Effective April 21, 1994 communities no longer have to complete the "Eight Step Process" prior to awarding HUD funds for rehabilitation to a 1-4 family (residential) properties located in a 100-year floodplain, if the community participates in the National Flood Insurance Program (NFIP) and is in good standing. The Federal Emergency Management Agency's (FEMA) most current listing of communities participating in the National Flood Insurance Program may be accessed through FEMA's web site: www.fema.gov/cis/mi.pdf . The division of FEMA that compiles these lists is the National Flood Insurance Programs, Bureau & Statistical Agent.

In addition to participation by the community, property owners must also carry current flood insurance for the "life of the improvements." This requirement **must be verified annually by the grantee**. (HUD giveth and HUD taketh away.)

Should you have any questions regarding the above, please contact your MSHDA Community Development (CD) Specialist.

**Michigan State Housing Development Authority
Office of Community Development**

ASBESTOS

In 1986 the Michigan Legislature passed into law regulations pertaining to “asbestos abatement” (i.e. the removal, demolition, or encapsulation of asbestos). On February 9, 1990 under certain circumstances licensed plumbers, electricians, mechanical contractors, residential builders and alteration contractors were found to be exempt from the asbestos abatement contractor licensing requirements of Michigan’s Act 135.

Health Hazard Data

Asbestos, tremolite, anthophyllite, and actinolite can cause disabling respiratory disease and various types of cancers if the fibers are inhaled. Inhaling or ingesting fibers from contaminated clothing or skin can also result in these diseases. The symptoms of these diseases generally do not appear for 20 years or more after exposure. Exposure to asbestos, tremolite, anthophyllite and actinolite has been shown to cause lung cancer, mesothelioma, and cancer of the stomach and colon. Mesothelioma is a rare cancer of the thin membrane lining of the chest and abdomen. Symptoms of mesothelioma include shortness of breath, pain in the walls of the chest, and/or abdominal pain.

Penalty

For a violation of the licensing provision by a contractor or community the Department of Community Health has established substantial monetary civil penalties for noncompliance. The penalty policy for asbestos demolition and renovation has been established at least \$10,000 for each violation or day that the violation continues.

As administrators of housing rehabilitation programs, all Michigan CDBG/HOME grantees must be aware of these laws and their applicability. Please contact the Michigan Department of Labor and Economic Growth’s Asbestos Program for more information. The web site may be found by going through the following menus – Michigan.gov home -> State web sites -> Labor & Economic Growth -> MIOSHA -> Compliance -> Asbestos Program.

MEMORANDUM

DATE: February 2005
Update of the memorandum issued September 2002

FROM: Kathleen Schmidt, U.S. Department of Housing and Urban Development (HUD)
Brian D. Conway, State Historic Preservation Officer (SHPO)

TO: State, local and municipal officials and HUD-assisted non-profit organizations
and public housing authorities

SUBJECT: Guidelines for consulting with the State Historic Preservation Office (SHPO)
under Section 106 of the National Historic Preservation Act of 1966, as amended.

The State Historic Preservation Office (SHPO) and the U.S. Department of Housing and Urban Development (HUD) are working together to improve the Section 106 consultation process as it relates to projects funded in whole or in part with HUD funds. This memorandum explains your responsibilities under federal law, the Section 106 regulations, and provides guidelines for consultation with the SHPO. **The attached consultation guidelines are effective immediately.** These guidelines may be modified as necessary in the future.

Both the SHPO and HUD look forward to working with you under the attached consultation guidelines. A number of helpful websites are also available for more information.

Advisory Council on Historic Preservation: www.achp.gov

Michigan SHPO: www.michigan.gov/shpo

This website also includes Michigan Sites-on-Line, a directory of National and State Register listed sites in Michigan.

National Park Service/National Register of Historic Places: www.nps.gov

National Preservation Institute (offers Section 106 training programs): www.npi.org

National Trust for Historic Preservation: www.nthp.org

HUD Environmental web page:

<http://www.hud.gov/offices/cpd/energyenviron/environment/subjects/preservation/index.cfm>

Questions should be directed to Kathleen Schmidt of HUD at (414) 297-3214 extension 8108, or Diane Tuinstra, Environmental Review Assistant in the SHPO at (517) 335-2723.

DEFINITIONS

Area of potential effects (APE). The APE is defined in 36 CFR § 800.16(d) as the: “*geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.*” For example, the APE for a housing rehabilitation project, particularly when the project is confined to the building’s interior, may be the physical boundaries of the house itself. In contrast, the APE for the development of a new industrial park may include a broad area surrounding the project site that could be visually or audibly impacted by the development. The industrial park development may also spark additional development in the area, a phenomenon known as secondary, or indirect, effects. These possible secondary effects must also be considered when defining the APE.

The Section 106 regulations are very specific and require that an agency first determine and document the APE. Only after an APE has been determined and documented should the necessary steps be taken to identify historic properties, if such properties exist. To determine the APE, it is **not** necessary to know whether any properties exist and an agency **cannot** first discern where historic properties are located and then define the APE so as to avoid including these properties within it. Determining the APE is not intended to center on what is convenient for the agency to avoid affecting historic properties.

Historic property. A historic property is defined in 36 CFR § 800.16(l)(1) as: “*any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places.*” The term “eligible for inclusion in” refers to properties that are not listed in the National Register, but do meet the criteria for listing in the National Register.

National Register of Historic Places. The National Register of Historic Places is the official list of properties recognized by the federal government as worthy of preservation. To be included in, or eligible for inclusion in, the National Register a property must: 1) be at least 50 years of age; 2) retain its integrity; and 3) meet at least one of the following four criteria:

- A) Association with events, activities, or broad patterns of history;
- B) Association with persons significant in the past;
- C) Characteristic of a type, period, or method of construction, or has high artistic value; or
- D) Potential to yield information.

The National Register is not a complete list of all historic properties – it is being added to continuously. It is possible that a property may never be listed in the National Register and for this reason, it is necessary to consider properties that are eligible for inclusion in the National Register in the Section 106 review process.

Effect. Effect is defined in 36 CFR § 800.16(i) as: “*alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register.*” These characteristics relate to the design, materials and workmanship of the historic property, as well as location, setting, feeling, and association. For example, a farmstead may have a setting that will be affected by the proposed project. The contributing elements to the setting (i.e. fields, fences, trees, etc.) may be just as important to the farm as the buildings themselves. All of these characteristics must be considered when assessing the effects of a project.

Adverse effect. When a project will affect a historic property, the agency must apply the criteria of adverse effect to determine if the effect will be adverse, or negative. Adverse effect is defined in 36 CFR § 800.5(a)(1) as an action that may: “*alter, directly or indirectly, any of the characteristics that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association. . . adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.*” Adverse effects include, but are not limited to: demolition; alteration; removal of a property from its original setting; neglect; abandonment; or the introduction of visual, atmospheric, or audible elements.

THE ROLE OF THE FEDERAL AGENCY:

UNDERSTANDING YOUR RESPONSIBILITIES UNDER FEDERAL LAW

Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, [16 USC 470, 36 CFR § 800; commonly known as Section 106] requires all federal agencies to take into account the effects of their undertakings on historic properties that are included in, or eligible for inclusion in, the National Register of Historic Places **prior** to the approval of the expenditure of any federal funds or to the issuance of any federal license or federal permit.

Under the Housing and Community Development Act [42 USC 5301], recipients of federal funds from HUD assume responsibility for compliance with all applicable federal laws. Therefore, you are acting on behalf of the federal agency as a federally-delegated authority. Federally-delegated authorities bear financial and legal responsibility for undertakings under Section 106.

Under Section 106, each federal agency or their federally-delegated authority is responsible for:

- 1) Determining if there is an undertaking (hereafter referred to as project);
- 2) Determining the project's area of potential effects (APE);
- 3) Identifying historic properties within the project's APE, if such properties exist; and
- 4) Assessing the effect(s) that the project may have on any historic properties in the APE.

Federal agencies or their federally-delegated authorities are **required** to consult with the SHPO during this identification and evaluation process.

Project Planning and Section 106

Timing is crucial to the Section 106 process. It is important that consideration of historic properties occur in the early stages of a project so that preservation concerns can receive thorough consideration as a project is planned. Early consideration also permits modifications to a project while they are relatively easy to accomplish and reduces the potential for conflict and delay. It is imperative that federal agencies seek to avoid adverse effects on historic properties, and planning is key if this is to be achieved. It may be possible to include preservation activities as eligible project costs.

Compliance with Section 106 and the National Environmental Policy Act (NEPA)

It should be understood that Section 106 and NEPA are **not** the same – they are two separate laws. The information submitted for a NEPA review will not suffice for a Section 106 review, **in many instances**. You should plan to complete your responsibilities under Section 106 **first** and then address historic properties in your NEPA compliance.

A project that is “categorically-excluded” under NEPA is **not** exempt from Section 106 review. If a project qualifies as an undertaking according to the Section 106 regulations [36 CFR § 800.3(a)], a Section 106 review must be completed.

Both NEPA and the Section 106 review processes are intended as analytical tools so that environmental issues, concerning both the natural and built environments, receive reasonable and fair consideration. These review processes are performed in the project planning stage, when adverse impacts to the environment can still be avoided or mitigated. Therefore, your compliance with these federal laws is essential to a timely execution of projects at the state and local level.

Involving Consulting Parties in the Section 106 Review Process

The Section 106 regulations require federal agencies, or their federally-delegated authorities, to actively consult with specific individuals and organizations throughout the Section 106 review process. A consulting party is defined as: “individuals and organizations with a demonstrated interest in the project due to the nature of their legal and economic relation to the undertaking or affected properties, or their concern with the undertaking's effect on historic properties” [36 CFR § 800.2(c)(5)]. Mandatory consulting parties include: the SHPO; a Tribal Historic Preservation Officer (THPO) if applicable; federally-recognized tribes if applicable; local units of government if the project may affect

historic properties within their jurisdiction; and applicants for federal funds, licenses, or permits. Other individuals and organizations may request to be consulting parties, but that decision is ultimately up to the federal agency. The federal agency, at an early stage of the Section 106 process, is required to consult with the SHPO to identify those individuals and organizations that have the right to be consulting parties.

Involving the Public in the Section 106 Review Process

The views of the public are essential to informed decision making in the Section 106 process and it is incumbent upon the federal agency to seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties. The federal agency or their federally-delegated authority must provide the public with information about the project and allow the public to comment. Members of the public may also provide views on their own initiative for the federal agency to consider.

The federal agency must decide early how and when to involve the public in the Section 106 review process. A formal plan is not required, although that may be appropriate depending upon the scale of the undertaking and the magnitude of its effects on historic properties.

Because Section 106 compliance is the responsibility of the federal agency or their federally-delegated authority, concerns expressed by the public about specific projects should **first** be directed to the appropriate federal, state, county or municipal contact, not the SHPO. Doing otherwise may result in inefficient and erroneous communication and possible unforeseen delays in the consultation process. It is generally not appropriate for the public to contact the SHPO **unless** communication efforts with the federal agency or their federally-delegated authority have been unsuccessful.

A Proactive Approach to Section 106 Consultation

The SHPO strongly encourages communities to be proactive in their efforts to identify and evaluate their historic resources. Time spent evaluating these resources now will streamline the Section 106 review process in the future. Moreover, the identification of these resources is part of your responsibility as a recipient of federal funds.

The most effective way to identify historic resources is to conduct a reconnaissance-level, or “windshield”, survey of your community. This type of survey provides the most basic information about a community’s historic resources. It typically involves photographing areas that are likely to contain historic properties and evaluating their historic significance in consultation with a historic preservation professional. The SHPO maintains a list of such professionals. Research is conducted to develop a general history of the area and can be gathered from available local resource (see page 6 on where to go for information). Once completed, communities consult with the SHPO to finalize the survey and a copy of the survey is retained by the SHPO and used to expedite future Section 106 reviews. It is important to note that because historic properties are newly-identified on a continuing basis, surveys should periodically be updated.

Conducting a survey enables National Register-eligible properties to be identified and, in the case of historic districts, their boundaries to be defined. With adequate survey information, projects that fall outside the boundaries of these historic districts, specifically in areas that are not currently nor likely to become National Register-eligible, **may** eventually be exempt from Section 106 reviews. The SHPO believes that such an effort will significantly streamline the Section 106 review process.

Reconnaissance-level surveys can be cost-effective and provide innumerable benefits. Communities can enlist volunteers, such as students and retirees, to take photographs, conduct research and compile the data. Several communities may even choose to pool their resources to hire a historic preservation professional to undertake such a survey. Furthermore, communities may be eligible to receive HUD funds to conduct such a survey.

Several communities in Michigan have streamlined the Section 106 review process by entering into a programmatic agreement (PA) with the SHPO and the Council. A PA is an agreement that enables a community to undertake their own identification and evaluation efforts for specified projects, thus not necessitating SHPO involvement. Please contact the SHPO if you are interested in pursuing any of the above-mentioned options.

THE ROLE OF THE SHPO

State Historic Preservation Offices, created by the National Historic Preservation Act of 1966, as amended, exist in every state. In Michigan, the SHPO is part of the Michigan Historical Center, Department of History, Arts and Libraries. The SHPO identifies, evaluates, registers, interprets and protects the state's historic properties.

As mandated in the Section 106 regulations, the SHPO is a mandatory consulting party in the Section 106 review process. The SHPO **is not mandated** to conduct research, identify historic properties, or determine project effects related to Section 106 projects on behalf of a federal agency. The SHPO **is required** to respond, either with concurrence or non-concurrence, to a federal agency's adequately documented finding of effect. Furthermore, the SHPO is **not** a regulatory agency and, thus, does not have the authority to either clear or authorize federally-funded, licensed or permitted projects.

In order to avoid misunderstandings about the SHPO's role in the Section 106 process, the SHPO wishes to clarify the following points:

- **The SHPO does not have a complete list or database of all historic properties in the state.** The SHPO maintains a list of historic properties that are listed in the National Register of Historic Places and the State Register of Historic Sites. This list is available through Michigan Sites-on-Line at: www.michigan.gov/historicsites. In the case of Section 106 consultation, however, federal agencies or their delegated authorities are required to identify historic properties included in, or eligible for inclusion in, the National Register within the project's area of potential effects (APE). The identification of historic properties is the result of an appropriate level of effort undertaken by the federal agency, or its delegated authority, during the Section 106 process. Again, the SHPO does not conduct research or identify historic properties in a project's APE on behalf of an agency.
- **The SHPO is responsible for other programs in addition to Section 106 review activities.** In a given year, the SHPO is consulted on approximately 5000 federal undertakings of varying degrees of complexity. In addition to Section 106 review, the SHPO is responsible for implementing the National Register of Historic Places, and the Historical Marker and Centennial Farm programs, state and federal tax incentives programs, Michigan's Certified Local Government (CLG) program, several grant programs, assists governments in establishing local historic districts, and provides planning and technical assistance. The SHPO also oversees the state survey and archaeology programs.
- **The SHPO cannot conduct site visits.** The SHPO generally cannot accommodate requests for site visits concerning Section 106 projects. For this reason, the adequacy of information submitted to the SHPO for a Section 106 review is even more important.

GUIDELINES FOR HUD PROGRAM CONSULTATION WITH THE SHPO

HUD, in consultation with the SHPO, has developed the following guidelines for agency consultation with the SHPO. When preparing your annual action plan or yearly consolidated plan, please include the information described in these guidelines for the appropriate project type. The information described in these guidelines reflects the **minimum requirements** for a Section 106 review. Please contact HUD or the SHPO to determine if a project not mentioned in these guidelines requires consultation with the SHPO.

I. GENERAL INFORMATION

How to submit your project and when to expect a response

Specific guidelines for submitting projects are outlined in the subsequent pages of this memorandum. All projects, including housing rehabilitation projects, that are not submitted to the SHPO in the appropriate format or that do not provide complete information may be returned for revision and resubmission or with a request for more information. To assure a timely response from the SHPO, you are advised to initiate all consultation with the SHPO in accordance with these guidelines.

The SHPO has thirty (30) calendar days from the receipt of an adequately-documented finding of effect to respond. The SHPO **cannot guarantee** a thirty-day response to projects submitted without: 1) adequate documentation; and/or 2) demonstration of a reasonable, good-faith effort to identify historic properties within the project's area of potential effects (APE) and to assess the effects of the project on historic properties.

What is an adequately-documented finding? The adequacy of documentation necessary to support a finding of effect and documentation specifics are outlined in 36 CFR § 800.11. A finding must be supported by sufficient documentation to enable any reviewing parties to understand its basis. Documentation specifics are reflected in the information the SHPO requires for a project review and are outlined in the subsequent pages of this memorandum.

What is a reasonable and good faith effort? 36 CFR § 800.4(b)(1) indicates that federal agencies shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. The agency shall take into account past planning, research and studies, the magnitude and nature of the project and the degree of federal involvement, the nature and extent of potential effects on historic properties, and the likely nature and location of historic properties within the project's area of potential effects (APE).

What is a finding of effect? According to the Section 106 regulations, the final step in the process is to assess the effect(s) that a project may have on any historic properties in the APE. There are three findings of effect: 1) no historic properties affected; 2) no adverse effect; and 3) adverse effect.

- 1) No historic properties affected [36 CFR § 800.4(d)(1)].** This determination means that: 1) there are no historic properties in the project's APE; **or** 2) there are historic properties present in the APE but the project will have no effect on them (see page 2 for definition of effect)
- 2) No adverse effect [36 CFR § 800.5(b)].** This determination means that there are historic properties present in the project's APE and the project will have an effect on them, however, this effect does not meet the criteria of adverse effect (see page 2 for definition of adverse effect).
- 3) Adverse effect [36 CFR § 800.5(d)(2)].** This determination means that there are historic properties present in the project's APE, the project will have an effect on them, and this effect does meet the criteria of adverse effect (see page 2 for definition of adverse effect).

Who can submit projects to the SHPO?

Consultants, property owners, non-profit housing corporations, housing coalitions, etc. are **not** recognized as federally-delegated authorities. The SHPO will not respond to these entities. Although projects may be submitted to the SHPO by some of these entities, excluding property owners, the project information **must** include the name, address, telephone and fax number of the federal agency or the federally-delegated authority contact. A response will not be provided for projects that fail to provide this information.

Where to go for information about historic properties

The SHPO recognizes that it may be difficult to gather information about historic properties in a project's APE and there may not be any information available in some instances. However, it is the responsibility of the federal agency or federally-delegated authority to conduct research on historic properties before submitting project information to the SHPO. The SHPO suggests that the following resources be considered:

General Resources

- City or county assessor's offices
- Colleges and universities, particularly those whose faculty are interested in local history
- Local historians
- Local historic district commissions
- Local historical societies
- Local, regional, or state libraries
- Long-term property owners and neighbors

Specific Resources

- City directories
- City atlases and plat maps
- County and local histories
- Deed records
- Property abstracts
- Tax records

In addition, the National Park Service maintains a list of properties listed in the National Register of Historic Places. Please reference their website at: www.cr.nps.gov/nr/. The SHPO maintains a website of historic properties that are listed in the National Register of Historic Places and the State Register of Historic Sites at: www.michigan.gov/historicsites.

Finally, the SHPO maintains a list of historic preservation professionals who can assist you in conducting research and identifying historic properties. Please contact the SHPO for a copy of this list.

Emergency situations

36 CFR § 800.12 addresses procedures to be followed in emergency situations. An emergency is defined as an action undertaken in response to a: *"disaster or emergency declared by the President of the United States, a tribal government, a state governor or to other immediate threats to life, public health, public safety, or property."* The agency must notify the Council and the SHPO of the action and afford the SHPO seven (7) days, less if circumstances do not permit, to comment. Should the SHPO object to the action within this time period, the agency must follow the standard Section 106 review process.

Section 106 emergency provisions are applicable only to actions that will be undertaken within thirty (30) days after formal declaration of the disaster or emergency, unless circumstances warrant an extension of that time frame. Immediate rescue and salvage operations conducted to preserve life or property are exempt from the Section 106 review process.

The Section 106 regulations are clear and denote that emergencies must be of a unique and unusual community/neighborhood-wide nature, **not** concerning single residences. Also, emergencies must be the result of a sudden event or a natural disaster. **A gradually deteriorating situation over a period of time resulting in part from neglect or diminished maintenance would generally not be considered an emergency.** Single-family residential rehabilitation actions are generally not considered emergencies under these regulations or 24 CFR § 58.33.

II. SUBMITTING HOUSING REHABILITATION PROJECTS

All structures that are fifty (50) years of age or older must be reviewed by the SHPO, unless the proposed work is considered a project type that does not require consultation with the SHPO (see pages 12-13 for a list of these project types). Please do not direct property owners to contact the SHPO. The following items are required and must be submitted to the SHPO **before** the project work begins.

1. The housing rehabilitation card supplied by the SHPO.
 - A. This card must be completed and include the following information regarding the structure:
 - Address;
 - Municipal unit (the municipal unit is the actual location of the property, **not** the mailing address i.e. if a property is located in Alpha Township, but the mailing address is Beta City, the address should be given as Alpha Township);
 - County;
 - Date of construction (found in city/township tax assessor's records);
 - Date of photograph; and
 - Existing exterior materials.
 - B. **Attach** (staple, glue or tape) an original, clear photograph to the front of the card. Photographs should be no larger than 4.5" x 4.5". The subject of the photograph should not be obscured by shadows, trees, cars or any other type of object. 35mm color or black and white photographs are preferred. Digital photographs should have a high resolution; please do not enlarge photographs too much as this detracts from their resolution. Polaroid photographs are acceptable, however the quality of these photographs is very poor; if possible, the SHPO prefers that polaroids not be submitted.
 - C. A map with *legible* street/road names should be **attached** (stapled, glued or taped) to the back of the card. This map must highlight the exact location of the property. Please do not simply circle the approximate location of the property because in some instances, the location of a property on one side of the street or the other will determine whether the property is located in an eligible or listed historic district, and such information is critical. Many agencies and organizations use computer websites to supply the SHPO with the correct information. Two such websites include: <http://maps.yahoo.com> and <http://mapquest.com>. Maps copied from the local telephone book, showing nearby cross streets, also suffice. **Hand-drawn maps or copies of large-scale road maps are not acceptable.**
2. The historic significance response sheet supplied by the SHPO. This should be filled out with:
 - Your return address;
 - Date;
 - Address of the property to be reviewed;
 - Municipal unit (the municipal unit is the actual location of the property, **not** the mailing address i.e. if a property is located in Alpha Township, but the mailing address is Beta City, the address should be given as Alpha Township); and
 - County.

If the structure is determined to be historic, the SHPO will request to review the plans and specifications of the proposed work. These plans and specifications should be as detailed as possible and indicate the exact nature of the work to be undertaken.

III. SUBMITTING ALL OTHER PROJECTS

HUD, in consultation with the SHPO, has determined that the following undertakings may affect historic properties within the project's area of potential effects (APE) unless the proposed work is considered a project type that does not require consultation with the SHPO (see pages 15-16 for a list of these project types).

- Streetscape improvement projects
- Infrastructure projects
- New build/infill projects
- Construction of public housing units
- Commercial rehabilitation or development projects
- Construction of new government facilities

If your project meets **any or all** of the following criteria listed below **and** the proposed work is not listed on pages 12-13, you are required to complete the Section 106 review process **prior** to the initiation of any construction-related activity.

- Any properties to be affected by the project are fifty (50) years of age or older.
- Any properties to be affected by the project are included in, or eligible for inclusion in: 1) the State Register of Historic Sites; and/or 2) the National Register of Historic Places.
- Any properties to be affected by the project have historic significance (i.e. the factory building in which there was a significant invention; the site of an important workers' strike; the home of an important local historical figure, etc.)
- The project's APE includes any properties that are included in, or eligible for inclusion in: 1) the State Register of Historic Sites; and/or 2) the National Register of Historic Places.
- The project, or buildings in the project's APE, are located in: 1) a locally-designated historic district; 2) a historic district included in, or eligible for inclusion in the State Register of Historic Sites; and/or 3) a historic district included in, or eligible for inclusion in, the National Register of Historic Places.
- Any properties fifty (50) years of age or older will be altered, removed, abandoned, or demolished to accommodate the project.
- The project is in an established neighborhood (fifty (50) years of age or older) where trees, sidewalks, or other streetscape features may be added, altered, removed, or demolished to accommodate the project.

If your project does not meet any of the above criteria, you should document your decision in the event that you are requested to provide justification for your actions. If you are in doubt about any of the above criteria, it is in your best interest to assume that historic properties may be in the project's area of potential effects (APE) and to submit the required information needed for a project review (see pages 12-13) to the SHPO.

Unless your project is a housing rehabilitation or is project type that does not require consultation with the SHPO (see pages 15-16 for a list of these project types), you must submit the required information needed for a project review to the SHPO. The form required for submission of projects is on pages 13-14. The form is available for download on our website at www.michigan.gov/shpo in the Environmental Review section. The downloaded form may be filled in using MS Word, printed, and sent to us.

Please respond to each point, even if there is no information available. The terms “not applicable” or “unknown” are not acceptable responses. The following instructions will help you complete the form. If you have questions not answered by the instructions, please contact Diane Tuinstra at 517.335.2723 or tuinstrad@michigan.gov.

Section I: General Information

- a. Please provide the name of your project.
- b. Provide the street address of your project if applicable. If no street address exists please leave this blank.
- c. Municipal unit is not always the mailing address of the project location. For example, if a mailing address lists Lansing as the city, yet the project is outside the city limits, then the township is the municipal unit.
- d. Every project has a federal funding, licensing, or permitting agency. Include the **name**, address, and telephone number of the contact person at the federal agency. A federal agency or federally delegated authority contact is mandatory. Projects not receiving federal assistance, nor requiring a federal permit or license, are not subject to Section 106 review except in certain circumstances when mandated by state or local policy. If you do not know your federal agency please contact the party requiring you to apply for Section 106 review for this information.
- e. Include the **name**, address, and telephone number of the contact person at the state agency. If this is a grant program note the name of the program (i.e. CDBG, HOME, TEA-21, etc.)
- f. Please provide the name, address, telephone number, and email address of the contact person to who questions may be directed.

Section II: Ground Disturbing Activity

- a. Provide a USGS 7.5 minute quadrangle map with the location clearly marked. An entire quad map does not have to be submitted, an 8.5x11 inch portion of the map may be submitted. Map scale must be 1:24000. Photocopies are acceptable as long as the map and location are clear. Street maps and platt maps are not acceptable substitutes.
- b. Provide the name of the quadrangle map.
- c. Township, Range and Section refer to the coordinates of the project location. These are numbers such as T21N, R2W, Section 12. Do not put names of townships in this location. Alternative coordinates, such as UTM, may be submitted in addition to the Township, Range and Section.
- d. Describe the proposed dimensions of ground disturbing activity. Plans and specifications should not be substituted here. Example: 4 feet wide, 20 feet long, 2 feet deep.
- e. Describe the previous use of the land. Was it farm land, an industrial site, a homestead, etc.? Was there a utility corridor placed on the property, were sewer and waterlines placed there 10 years ago, etc.?
- f. Describe the current use and condition of the property.
- g. Ask the landowner(s) if they are aware of any artifacts being discovered on the property at any point in time. Include their description of items that have been found, if any.

Section III: Project Work Description and Area of Potential Effects

- a. This is a detailed description of the work that will be undertaken. Include any information about building removals, rehabilitation, and landscape alteration such as sidewalk or tree removals. The SHPO is mandated to assess the effects that a project will have on the historic built environment. Economic benefits, impacts to the natural and social environment are not relevant unless these bear some connection to the integrity of the historic built environment.
- b. Localized map highlighting the location of the project (i.e. a copy of a portion plat or a city street map). Maps must provide the precise location of the project. If the project will occur in several locations (i.e. curb and gutter replacement at several places along a roadway), all such locations must be noted. Please ensure that street/road names are included and legible.
- c. Draw/Outline/Highlight the APE for your project.
- d. *The terms “not applicable” or “unknown” are not acceptable responses.* Describe the steps taken to identify the area of potential effects and justify the boundaries chosen. **The area of potential effects** is defined as the geographic area or areas within which an undertaking may directly, or indirectly, cause changes in the character or use of historic properties. *In most instances, the area of potential effects is not simply the project’s physical boundaries, or right-of-way.* The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by an undertaking. In defining the APE, you must consider not only physical effects but also visual, auditory, and sociocultural (i.e. land use, traffic patterns, public access) effects.

Section IV: Identification of Historic Properties

- a. List and provide construction dates for all properties 50 years of age or older located in the APE. The terms “*not applicable*” or “*unknown*” are not acceptable responses. If research has been done and no approximate date is found, the term “not found” is acceptable. If your project is located in a National Register eligible, listed or local historic district it is not necessary to list every structure. Identify the district and describe its general characteristics and range of construction dates.
- b. A historic property is defined as any prehistoric or historic district, site, building, structure, or object that is 50 years of age or older and is listed in, or eligible for listing in, the National Register of Historic Places. It is your responsibility to make a reasonable and good faith effort to carry out appropriate identification efforts, which *may* include background research, consultation, oral history interviews, sample field investigation, and field survey. Michigan Sites-On-Line is a directory of properties listed in the National Register (www.michigan.gov/shpo). This directory, however, does not include properties eligible for listing in the National Register, and simply searching this directory does not fulfill your responsibility to identify historic properties. *The SHPO does not conduct research.*
- c. Please choose one.
- d. Please describe the condition, previous disturbance to and history of any historic property located in the APE and identified on section IV of this form.
- e. Key identified historic properties onto a localized map. This can be the same map that was created in Section III.b,c.

Section V: Photographs

Faxed or photocopied photographs are not acceptable. Photographs may be color or black and white. Printed digital photographs are acceptable provided they have a high dpi and clear resolution. Photographs must provide clear views (i.e. subject of the photograph should not be obscured by shadows, trees, cars, or any other type of obstruction) of any historic properties in the project’s area of potential effects. If submitting a project which is, or may be in, a historic district (especially in commercial or residential neighborhoods fifty years of age or older) please submit representative streetscape views of the built environment in the project’s area of potential effects to provide the SHPO with an idea of the architectural context. Remember to key all photographs to your localized map.

- a. Please photograph the location where the project will be taking place. If the project covers a large area, please provide several views.

- b. Please provide photographs of properties identified in Section IV.a. If the project is located in a National Register eligible, listed or local historic district it is not necessary to photograph every structure. Streetscape photographs that clearly illustrate the district are sufficient.

Section VI: Determination of Effect

Following a reasonable and good faith effort to identify historic properties within the project's area of potential effects, provide the SHPO with your finding of the project's effect upon historic properties within the project's area of potential effects.

- a. For a determination of: (1) *no historic properties affected* [36 CFR § 800.4(d)(1)] in which there are either no historic properties present or no historic properties affected, include the basis for this determination.
- b. For a determination of: *no adverse effect* [36 CFR § 800.5(b)]; explain why the criteria of adverse effect [36 CFR § 800.5(a)(1)] were not found applicable and include any conditions to avoid, minimize, or mitigate adverse effects. Adverse effects must be resolved in consultation with the SHPO pursuant to 36 CFR § 800.6. Please indicate the efforts undertaken to seek views provided by consulting parties and the public pursuant to 36 CFR § 800.6(a)(4), and provide copies or summaries of this information to the SHPO.
- c. For a determination of: *adverse effect* [36 CFR § 800.5(d)(2)]; explain why the criteria of adverse effect [36 CFR § 800.5(a)(1)] were found applicable and include any conditions to avoid, minimize, or mitigate adverse effects. Adverse effects must be resolved in consultation with the SHPO pursuant to 36 CFR § 800.6. Please indicate the efforts undertaken to seek views provided by consulting parties and the public pursuant to 36 CFR § 800.6(a)(4), and provide copies or summaries of this information to the SHPO.

STATE HISTORIC PRESERVATION OFFICE
Application for Section 106 Review

SHPO Use Only				
<input type="checkbox"/> IN	Received Date	____ / ____ / ____	Log In Date	____ / ____ / ____
<input type="checkbox"/> OUT	Response Date	____ / ____ / ____	Log Out Date	____ / ____ / ____
	Sent Date	____ / ____ / ____		

*Submit one copy for each project for which review is requested. This application is required. Please **type**. Applications must be complete for review to begin. Incomplete applications will be sent back to the applicant without comment. Send only the information and attachments requested on this application. Materials submitted for review cannot be returned. Due to limited resources we are unable to accept this application electronically.*

I. GENERAL INFORMATION

- ☐ THIS IS A NEW SUBMITTAL ☐ THIS IS MORE INFORMATION RELATING TO ER#
- ☐ Funding Notice
- ☐ Survey
- ☐ MOA or PA
- ☐ Other:

- a. Project Name:
- b. Project Address (if available):
- c. Municipal Unit: County:
- d. Federal Agency and Contact (*If you do not know the federal agency involved in your project please contact the party requiring you to apply for Section 106 review, not the SHPO, for this information.*):
- e. State Agency and Contact (if applicable):
- f. Consultant or Applicant Contact Information (if applicable):

II. GROUND DISTURBING ACTIVITY (INCLUDING EXCAVATION, GRADING, TREE REMOVALS, UTILITY INSTALLATION, ETC.)

DOES THIS PROJECT INVOLVE GROUND-DISTURBING ACTIVITY? ☐ YES ☐ NO (If no, proceed to section III.)

Exact project location must be submitted on a USGS Quad map (portions, photocopies of portions, and electronic USGS maps are acceptable as long as the location is clearly marked).

- a. USGS Quad Map Name:
- b. Township: Range: Section:
- c. Description of width, length and depth of proposed ground disturbing activity:
- d. Previous land use and disturbances:
- e. Current land use and conditions:
- f. Does the landowner know of any archaeological resources found on the property? NO YES
- Please describe:

III. PROJECT WORK DESCRIPTION AND AREA OF POTENTIAL EFFECTS (APE)

Note: Every project has an APE.

- a. Provide a detailed written description of the project (plans, specifications, Environmental Impact Statements (EIS), Environmental Assessments (EA), etc. **cannot** be substituted for the written description):
- b. Provide a localized map indicating the location of the project; road names must be included and legible.
- c. On the above-mentioned map, identify the APE.
- d. Provide a written description of the APE (physical, visual, auditory, and sociocultural), the steps taken to identify the APE, and the justification for the boundaries chosen.

IV. IDENTIFICATION OF HISTORIC PROPERTIES

- a. List and date all properties 50 years of age or older located in the APE. If the property is located within a National Register eligible, listed or local district it is only necessary to identify the district:
 - b. Describe the steps taken to identify whether or not any historic properties exist in the APE and include the level of effort made to carry out such steps:
 - c. Based on the information contained in "b", please choose one:
☐ Historic Properties Present in the APE
☐ No Historic Properties Present in the APE
 - d. Describe the condition, previous disturbance to, and history of any historic properties located in the APE:
-

V. PHOTOGRAPHS

Note: All photographs must be keyed to a localized map.

- a. Provide photographs of the site itself.
 - b. Provide photographs of all properties 50 years of age or older located in the APE (faxed or photocopied photographs are not acceptable).
-

VI. DETERMINATION OF EFFECT

- ☐ No historic properties affected based on [36 CFR § 800.4(d)(1)], please provide the basis for this determination.
- ☐ No Adverse Effect [36 CFR § 800.5(b)] on historic properties, explain why the criteria of adverse effect, 36 CFR Part 800.5(a)(1), were found not applicable.
- ☐ Adverse Effect [36 CFR § 800.5(d)(2)] on historic properties, explain why the criteria of adverse effect, [36 CFR Part 800.5(a)(1)], were found applicable.

Please print and mail completed form and required information to:

State Historic Preservation Office
Environmental Review Office
Michigan Historical Center
702 W. Kalamazoo Street
P.O. Box 30740
Lansing, MI 48909-8240

IV. HUD PROJECT TYPES NOT REQUIRING CONSULTATION WITH THE SHPO

HUD, in consultation with the SHPO, has determined that the following activities do not meet the definition of undertaking since they do not have the potential to cause effects on historic properties per 36 CFR § 800.3(a) **or** they have limited potential to affect historic properties and therefore *no historic properties will be affected* by these undertakings per 36 CFR § 800.4(d). Therefore, you are not required to initiate consultation with the SHPO for the following federally-funded undertakings **if** permanent impacts upon original interior elements or surface treatments, particularly those elements of the historic property that contribute to its historic or architectural significance, are avoided. **You should document your decision in the event that you are requested to provide justification for your actions.**

Community Improvement Projects	General Activities	Interior Rehabilitation	Exterior Rehabilitation
Reconstruction of roads where no change in width, surface materials, surface treatments, or vertical alignments of drainage is to occur	Administration overhead, including salaries	Electrical work	Caulking, weatherstripping or replacement of missing or damaged window glass with glass of the same surface qualities (color, texture, and reflectivity)
Repair or replacement of existing curbs and sidewalks with identical materials within existing dimensions	Code enforcement	Installation of new kitchen and bath appliances, cabinets, counters, tubs, sinks and toilets	Installation or replacement of gutters and downspouts (if the color is historically appropriate for the period and style of the historic resource)
Repair or replacement of water, gas, storm, and/or sewer lines if it occurs within the dimensions of the original trench and permanent impacts upon surface treatments (sidewalks, curbs, raised planters, benches, streetlights, etc.) or landscape features (trees, shrubs, lawns, etc.) which contribute to the historic or architectural significance of the resource are avoided	Drug abuse resistance educational programs	Installation of insulation provided it is restricted to attics, crawl spaces, the upper surfaces of existing ceilings when the ceilings are not dropped ceilings, and proper vapor barriers are used	Flat or shallow pitch roof repair or replacement (shallow pitch is understood to have a rise-to-run ratio equal to or less than 3" to 12"), with no part of the surface of the roof visible from the ground
Tree planting or landscaping adjacent to the right-of-way	Emergency services programs	Installation of smoke or carbon monoxide alarms	Painting <u>previously painted</u> surfaces in color(s) historically appropriate for the period and style of the historic resource
Repainting parking spaces or streets	Equipment purchases	Interior surface treatments (floors, walls, ceilings and woodwork) provided the work is restricted to repainting, refinishing, repapering, or laying carpet or linoleum and the feature is not significant to the historic character of the property	In-kind <u>replacement</u> of asphalt shingles
	Home health care	Plumbing rehabilitation work and replacement, including pipes and fixtures	<u>Repair of existing</u> wheelchair ramps
	Outreach programs	Repair or replacement of concrete basement floors and interior basement walls	Repair or replacement of <u>existing</u> siding if done with siding that matches the existing siding in dimension, profile and material

Community Improvement Projects	General Activities	Interior Rehabilitation	Exterior Rehabilitation
	Public safety programs	Repair, replacement or cleaning of existing water heaters, heating systems (including duct work and piping) or other appliances	Repair, replace or install new sidewalks or driveways that match the existing sidewalk or driveway in materials and dimensions
	Public service activities	Replacement of door locks	Repair or replacement of chimneys with the same material and dimensions
	Planning activities and programs	Restroom improvements for handicapped access provided that the work is contained within the existing restroom	Repair of porch ceilings, steps, floors or railing if done in-kind to match existing original materials, configuration and dimensions
	Recreational activities and services		Repair or repainting of <u>existing</u> storm windows
	Relocation assistance		
	Section 108 principal and interest payments		
	Senior activities and services		
	Senior transportation and programming		
	Vector control programs		

**Michigan State Housing Development Authority
Office of Community Development**

HUD CPD 01-11 Notice, Issued July 17, 2001: Environmental Review and the HOME Investment Partnerships Program:

<http://www.hud.gov/offices/cpd/lawsregs/notices/2001/01-11.doc>

**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)
DISTRICT AND FIELD OFFICE LOCATIONS**

UPPER PENINSULA DISTRICT OFFICE 420 5 th St. Gwinn, MI 48941-3004 Phone: 906-346-8300 Fax: 906-346-4480	All U.P. Counties
CADILLAC DISTRICT OFFICE 120 W. Chapin St. Cadillac, MI 49601-2158 Phone: 231-775-3960 Fax: 231-775-1511 or 231-775-4050	Alcona, Alpena, Antrim, Benzie, Charlevoix, Cheboygan, Crawford, Emmet, Grand Traverse, Kalkaska, Lake, Leelanau, Manistee, Mason, Montmorency, Missaukee, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, Wexford
GAYLORD FIELD OFFICE 2100 West M-32, P.O. Box 1830 Gaylord, MI 49734-5830 Phone: 989-731-4920 Fax: 989-731-6181	City of Gaylord
SAGINAW BAY DISTRICT OFFICE 503 N. Euclid Avenue, Suite 1 Bay City, MI 48706-2965 Phone: 989-686-8025 Fax: 989-684-9799 or 989-686-0727	Arenac, Bay, Clare, Gladwin, Huron, Iosco, Isabella, Midland, Ogemaw, Saginaw, Sanilac, Tuscola
GRAND RAPIDS DISTRICT OFFICE State Office Bldg, 3 rd , 4 th , and 6 th floors 350 Ottawa N.W., Unit 10 Grand Rapids, MI 49503-2341 Phone 616-356-0500 Fax: 616-356-0202	Barry, Ionia, Kent, Mecosta, Montcalm, Muskegon, Newaygo, Oceana, Ottawa
LANSING DISTRICT OFFICE 10650 Bennett Drive Morrice, MI 48857-9792 Phone: 517-335-6010 Fax: 517-241-3571	Clinton, Eaton, Genesee, Gratiot, Ingham, Lapeer, Livingston, Shiawassee
KALAMAZOO DISTRICT OFFICE 7953 Adobe Road Kalamazoo, MI 49009-5026 Phone: 616-567-3500 Fax: 616-567-9440	Allegan, Berrien, Branch, Calhoun, Cass, Kalamazoo, St. Joseph, Van Buren
JACKSON DISTRICT OFFICE 301 E. Louis Glick Highway Jackson, MI 49201-1556 Phone: 517-780-7690 Fax: 517-780-7855	Hillsdale, Jackson, Lenawee, Monroe, Washtenaw

SOUTHEAST MICH DISTRICT OFFICE
38980 Seven Mile Road
Livonia, MI 48152-1006
Phone: 734-953-8905
Fax: 734-953-0243 or 734-953-1544

Macomb, Oakland, Wayne

DETROIT FIELD OFFICE
Cadillac Place
3058 W. Grand Blvd., Suite 2-300
Detroit, MI 48202-6058
Phone: 313-456-4700
Fax: 313-456-4692 or 313-456-4662

City of Detroit